

RESOLUTION NUMBER R- 255368

Adopted on NOV 16 1981

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO APPROVING PARTICIPATION IN THE 1981-82 STATE/LOCAL PARTNERSHIP PROGRAM, DESIGNATING THE LOCAL ARTS, PLANNING AGENCY, AND APPROVING AND AUTHORIZING EXECUTION OF A GRANT CONTRACT WITH THE CALIFORNIA ARTS COUNCIL.

WHEREAS, the California Arts Council and the California State Legislature have established a State/Local Partnership Program (the "Program") designed to encourage local cultural planning and decision making and to reach previously underserved constituencies; and

WHEREAS, pursuant to the 1980-81 Program Guidelines, the City Council of the City of San Diego (the "City Council") designated the Combined Arts and Education Council of San Diego County ("COMBO") as the Local Arts Planning Agency under the Program for the purpose of preparing a comprehensive community arts plan; and

WHEREAS, the City Council and COMBO (together defined as the "Local Partner") are now eligible to apply for and receive a nonmatched block grant of \$5,607 for the purpose of completing the analysis of data gathered in the arts planning process initiated under the 1980-81 Program and for the purpose of establishing a grant review mechanism with a methodology for allocating additional Program funds; NOW, THEREFORE,

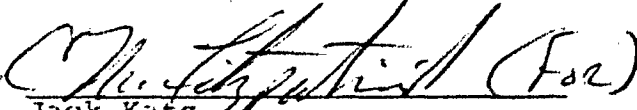
BE IT RESOLVED, by the Council of The City of San Diego as follows:

That the City Council hereby approves participation by the Local Partner, designated for 1981-82 as itself and COMBO, in the 1981-82 State/Local Partnership Program.

BE IT FURTHER RESOLVED that the City Council hereby approves the "Standard Agreement Number AC - 1485" (the "Grant Contract") in the form attached hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Council hereby authorizes and directs the Executive Director of COMBO, Charles E. Sinclair, to execute the Grant Contract on behalf of the Local Partner and submit said contract to the California Arts Council.

APPROVED: John W. Witt, City Attorney

By  (For)
Jack Katz
Chief Deputy City Attorney

JK:siam
9/29/81
Revised 11/6/81
Or. Dept: Mayor
r-82-570

- STATE AGENCY
- DEPT. OF GEN. SER.
- CONTROLLER
-
-
-

THIS AGREEMENT, made and entered into this 15th day of October, 1981, in the State of California, by and between State of California, through its duly elected or appointed, qualified and acting

FILE OF OFFICER ACTING FOR STATE Director	AGENCY California Arts Council	NUMBER AC - 1485
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hereafter called the State, and

hereafter called the Contractor.

WITNESSETH That the Contractor for and in consideration of the covenants, conditions, agreements, and stipulations of the State hereinafter expressed, does hereby agree to furnish to the State services and materials, as follows:

(For: service to be rendered by Contractor, amount to be paid Contractor, time for performance or completion, and attach plans and specifications, if any.)

Contractor, hereinafter known as the "Local Partner and/or Grantee," shall be paid a nonmatched block grant in the amount of \$5,607. The Local Partner shall expend said block grant in accordance with the "California Arts Council State/Local Partnership Program Guidelines: 1981-82 (the "1981-82 Guidelines") in the form attached hereto and incorporated by reference herein, as set forth below:

Local Partner shall (1) complete or cause to be completed the analysis of data gathered in the arts planning and programming process initiated under the State/Local Partnership Program 1980-81 Guidelines; and (2) establish or cause to be established a grant reviewing mechanism with a methodology for receiving and allocating additional State/Local Partnership Program funds. Any block grant funds not needed for the accomplishment of these two requirements may be used for direct public arts programming upon written approval from the California Arts Council.

(The provisions on Page 2 and Page 3 hereof constitute a part of this agreement.)

WITNESS WHEREOF, this agreement has been executed by the parties hereto, upon the date first above written.

STATE OF CALIFORNIA	CONTRACTOR
AGENCY California Arts Council	CONTRACTOR (IF OTHER THAN AN INDIVIDUAL, STATE WHETHER A CORPORATION, PARTNERSHIP, ETC.)
AUTHORIZED SIGNATURE: Director	BY (AUTHORIZED SIGNATURE): ▶
OFFICER Director	TITLE
	ADDRESS

CONTAINED ON 2 SHEETS EACH BEARING NAME OF CONTRACTOR

Department of General Services Use ONLY	AMOUNT ENCUMBERED	APPROPRIATION	Grants,	FUND	General
	\$ 5,607	Projects, Programs			
	UNENCUMBERED BALANCE	ITEM	CHAPTER	STATUTES	FISCAL YEAR
	\$	826-011-001a	99	81	1981-82
ADJ. INCREASING ENCUMBRANCE	FUNCTION	State/Local Partnership Program			
\$					
ADJ. DECREASING ENCUMBRANCE	LINE ITEM ALLOTMENT	6.0.55.4.55.18			
\$					

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.

SIGNATURE OF ACCOUNTING OFFICER _____ DATE _____

I hereby certify that all conditions for exemption set forth in State Administrative Manual Section 1209 have been complied with and this document is exempt from review by the Department of Finance.

SIGNATURE OF OFFICER SIGNING ON BEHALF OF THE AGENCY _____ DATE _____

RR-255191
DOCUMENT NO.
FILED OCT 12 1981
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

R-255268

255 300766

Contractor: _____
State/Local Partnership Program
Page 2

Local Partner shall meet the requirements contained in the 1981-82 Guidelines not later than March 31, 1982.

General State Requirements, Fair Employment Practices Addendum, and 504-Handicapped Regulations are attached hereto and are hereby made a part of this contract.

Payment shall be made after contract approval upon submittal of an invoice from Local Partner to the California Arts Council.

Dates: October 15, 1981 - March 31, 1982.

CORRECTION

**The foregoing document is
rephotographed to insure legibility.**

Contractor: _____
State/Local Partnership Program
Page 2

Local Partner shall meet the requirements contained in the 1981-82 Guidelines not later than March 31, 1982.

General State Requirements, Fair Employment Practices Addendum, and 504-Handicapped Regulations are attached hereto and are hereby made a part of this contract.

Payment shall be made after contract approval upon submittal of an invoice from Local Partner to the California Arts Council.

Dates: October 15, 1981 - March 31, 1982.

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1. The Contractor agrees to indemnify, defend and save harmless the State, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, materialmen, laborers and any other person, firm or corporation furnishing or supplying work, services, materials or supplies in connection with the performance of this contract, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by the Contractor in the performance of this contract.

2. The Contractor, and the agents and employees of Contractor, in the performance of this agreement, shall act in an independent capacity and not as officers or employees or agents of State of California.

3. The State may terminate this agreement and be relieved of the payment of any consideration to Contractor should Contractor fail to perform the covenants herein contained at the time and in the manner herein provided. In the event of such termination the State may proceed with the work in any manner deemed proper by the State. The cost to the State shall be deducted from any sum due the Contractor under this agreement, and the balance, if any, shall be paid the Contractor upon demand.

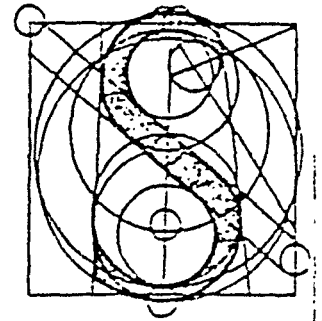
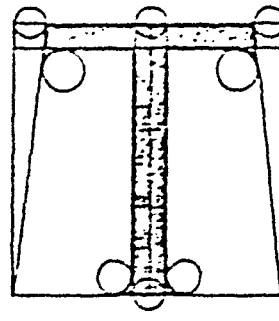
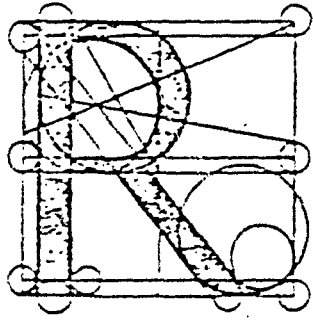
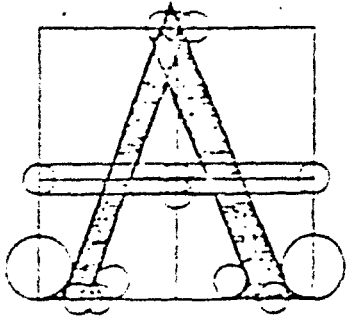
4. Without the written consent of the State, this agreement is not assignable in whole or in part.

5. Time is the essence of this agreement.

6. No alteration or variation of the terms of this contract shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or agreement not incorporated herein, shall be binding on any of the parties hereto.

7. The consideration to be paid Contractor, as provided herein, shall be in compensation for all of Contractor's expenses incurred in the performance hereof, including travel and per diem, unless otherwise expressly so provided.

C A L I F O R N I A



C O U N C I L



STATE/LOCAL PARTNERSHIP
PROGRAM GUIDELINES:
1981 - 82

C A L I F O R N I A A R T S C O U N C I L

Chairman:
Karney Hodge

Vice-Chair:
Margo Albert

Council Members:
Peter Coyote
Francis Ford Coppola
Noah Purifoy
Joan A. Quinn
Marcia Weisman
Sen. Bob Wilson
Marl Young

Director:
William B. Cook

Associate Director:
Gloriamalia Flores,
Services to the Field

Deputy Directors:
Paul Minicucci, Program Planning
& Development
Christine Orth, Program
Administration

State/Local Partnership
Program Staff:
J. Patrick Liteky, Director
Maureen Miller, Assistant Arts
Grants Administrator
Susan Boreman, Assistant Arts
Grants Administrator

The California Arts Council office
is located at: 2022 'J' Street,
Sacramento, CA 95814. Telephone:
(916) 445-1530. Office Hours: 8-5
Monday through Friday.

STATEMENT OF PURPOSE

The California Arts Council was
established in January 1976 to
encourage artistic awareness,
participation and expression; help
independent local groups develop
their own arts programs; promote
the employment of artists and
those skilled in crafts in both
the public and private sector;
provide for the exhibition of art
works in public buildings through-
out California; and enlist the aid
of all state agencies in the task
of ensuring the fullest expression
of our artistic potential.

These mandates underlie the activ-
ities of the Arts Council at every
stage of its operations. Although
the Arts Council's activities
extend far beyond fiscal support,
the principal means of carrying
out these mandates are its grants
programs.

California Arts Council
State/Local Partnership Program
1981-1982 Guidelines

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California Arts Council
State/Local Partnership Program
1981-1982 Guidelines

The California Arts Council and the State Legislature have established a State/Local Partnership Program designed to encourage local cultural planning and decision-making and to reach previously underserved constituencies. These current guidelines supersede the first program year guidelines of 1980-1981.

I. PROGRAM OBJECTIVES

The objectives of the State/Local Partnership Program are to:

- A. provide a mechanism for more effective local arts planning and to coordinate such planning with State programs;
- B. develop rural and suburban areas which have not fully participated in arts programs;
- C. give Local Partners ("Local Partners" being defined as the County Board of Supervisors and its designated arts planning agency) the opportunity to assist the CAC in improving arts programming;
- D. provide a more stable base of support for the arts by expanding public and private sector support at the local level;
- E. provide a decentralization mechanism for other CAC programs;
- F. prevent duplication and overlap between federal (administered through the CAC), state and local programs;
- G. provide for increased employment of artists;
- H. stimulate the local economy.

II. PROGRAM FUNDING

The State/Local Partnership Program consists of the following two components: the Annual Block Grant of \$12,000 and the Local Priorities Grant of an amount determined by state-wide demographic data.

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A. The annual Block Grant of \$12,000

This block grant of \$12,000, non-matched, will be made available to every county in the state which applies, for the purpose of accomplishing the following two objectives by March 31, 1982:

1. The Local Partner will complete the analysis of data gathered in the arts planning and programming process initiated under the 1980-81 State/Local Partnership Program Guidelines. (See Checklist, Appendix A)
2. The Local Partner will establish a grant reviewing mechanism with a CAC approved methodology for allocating additional State/Local Partnership Program funds, i.e., Local Priorities Grants.

In accomplishing the above two objectives, the Block Grant funds may be utilized both for the updating of the comprehensive local arts plan and for operational support for the delivery of arts programming.

B. The Local Priorities Grant

For fiscal year 1981-82 there is approximately \$700,000 allocated for division among the eligible counties which have fully completed the 1981-82 program process. Local Priorities Grants will be awarded on a one-to-one matching basis, divided according to a formula utilizing the local "need" and "effort" factors. As with the case in fiscal year 1980-81, again this fiscal year the local "need" factor will represent 60% of the total local priorities allocation, and the local "effort" factor will represent 40% of that total allocation. (For allowable matching funds, see 1981-1982 Program Workbook.)

1. Local "Need" Factor

The California Arts Council will determine the Local Need Factor for each county by:

- a. multiplying 60% by the total allocation (approximately \$700,000);
- b. dividing that figure according to the population ratio between each county and the total state population. (This is the same procedure as in the first year of the program.)

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2. Local "Effort" Factor

The California Arts Council will determine the Local Effort Factor for each county by:

- a. multiplying 40% by the total allocation;
- b. factoring in the total amount of public expenditures for the arts, as reported by the Local Partner (for allowable "effort" categories, see 1981-1982 Program Workbook);
- c. factoring in county per capita income;
- d. utilizing a mean standard deviation ranking system.

This also is the same procedure as in the first year of the program.

NOTE: The computation of the Local Priorities Grant for each eligible county will take place after March 31, 1982, at which time all participating counties will have completed and submitted their public arts expenditure forms to CAC. The total local priorities allocation may increase by that amount possibly resulting from individual local partners' inability to meet the March 31, 1982 deadline, or chosen option not to meet that deadline.

3. Local Priorities Grant Expenditures

- a. It is anticipated that Local Priorities Grants may be used for direct programming, technical assistance, information services and/or grants programs, as long as these grant monies are spent according to the CAC approved local arts plans and general CAC funding policies. These latter funding policies include:
 1. high artistic achievement;
 2. equitable recognition and compensation of artists for their work;
 3. recognition of cultural diversity.
- b. Prohibitions. The State of California and the California Arts Council policies prohibit expenditures of state arts grant funds for the following:
 1. out-of-state travel;
 2. capital outlay for improvements to buildings or facilities;

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3. capital outlay for construction of buildings or facilities;
 4. capital outlay for purchase of equipment (see '5' and '6' of the following section);
 5. profit-making organizations or ventures.
- c. Allowances. The following are among, but not limited to, authorized expenditures of State/Local Partnership Program funds, for:
1. local arts planning projects, public or private, which are currently receiving or are eligible to receive funds from federal, state, county or city sources;
 2. local public arts programming of all artistic disciplines;
 3. all public institutional arts activities (including educational, rehabilitational/correctional, physically/mentally therapeutic, employment training, occupationally therapeutic, etc.) including also arts supplies, materials, facilities rental and management for exhibitions, performances, rehearsals, classes, workshops;
 4. salaries for artists, arts teachers, arts organization personnel involved with implementing any part of the local arts plan;
 5. commission of art, purchase of musical instruments up to \$50, purchase of consumable supplies and materials for publicly funded arts activities;
 6. rental of any space, facilities, equipment for use in arts planning or programming in accordance with implementation of the local arts plan. Rental with the option to purchase is allowable as long as purchase is accomplished by use of funds other than state funds, and provided such purchase is done for the public benefit and by the local partner or official designee.

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III. PROGRAM PROCESS

A. Official Designation

1. As defined in Objective C on page 1, the "Local Partner" for each county participating in the 1981-82 State/Local Partnership Program is both the County Board of Supervisors and its designated arts planning agency. In order for counties to participate in the S/LP Program this fiscal year, the Boards of Supervisors must:
 - a. have designated their official arts planning agency by resolution, for the time period of the 1981-82 S/LPP contract; and
 - b. either jointly apply for the Block Grant of \$12,000 or authorize their designated arts planning agencies to apply (by the same resolution as above.)

NOTE: Either the Board of Supervisors or the designated agency may contract for the funds, but whichever legal entity at the local level signs the contract bears fiscal responsibility for the contract fulfillment. The Board of Supervisors' authorizing and designating resolution shall include the specification that the local arts planning agency continue the implementation of the county arts plan in accordance with these guidelines.

2. The officially designated arts planning agency may be one of the following options:
 - a. a publicly funded arts council or commission;
 - b. a private, non-profit arts council or organization;
 - c. a local governmental agency or department (such as County Administrative Office, Public Works, Parks and Recreation, etc.);
 - d. a regional consortium of commissions or non-profit organizations appointed by two or more County Boards of Supervisors working together;
 - e. an "ad hoc" group designated by the Board of Supervisors to continue the local arts planning process, with the understanding that by March 31, 1982, an official arts planning agency has been formed and approved by the Board of Supervisors.

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NOTE: APPLICATIONS FOR THE 1981-1982 S/LPP BLOC GRANT MUST BE MADE NO LATER THAN OCTOBER 15, 1981. County applications received after that date will not be accepted by CAC. Hence, application forms, contracts and necessary resolutions from Local Partners should be completed and processed at the local level early enough to meet the October 15 deadline.

E. Local Arts Plan Approval

1. Local Level

The local arts planning and programming process, under the auspices of the State/Local Partnership Program for fiscal year 1981-82, involves two items: (a) a completed document which conforms to these guidelines, and (b) a local mechanism authorized and responsible for the implementation of the completed document, or local arts plan. At this stage of the State/Local Partnership Program, the establishment of a local grant reviewing mechanism is necessary for future participation in the Program for two reasons:

- a. there are increased funds for the Local Priorities Grants which will enable the local arts agencies, officially designated by the Board of Supervisors, to make direct grants to local artists and/or arts organizations as part of the plan implementation;
- b. there are steps being taken currently by CAC to expand the operations of the State/Local Partnership Program. These steps will involve other CAC programs and those Local Partners sufficiently prepared to make local decisions regarding publicly and privately funded arts activities directly related to the State/Local Partnership Program (e.g., accepting and dispersing private donations explicitly for the local arts programming process).

The county arts plan and the grant review mechanism must be approved, by resolution, from the following:

- a. the City Councils of 50% of the total number of cities in the county; and in addition, this total number of cities must have a combined population representing at least 50% of the total county population inhabiting incorporated areas of the county. This must be accomplished prior to approval by the County Board of Supervisors; and
- b. the County Board of Supervisors.

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NOTE: The document to be known as the _____ County Arts Plan, must be printed on white paper, the standard size of 8½" x 11", and bound by substantial binding (not paper clips, staples or removable binder clips) such as plastic spiral, Velo, Amberg portfolio, or mental ring note book binding. This will prevent page loss, and permit photocopy of legible quality. Please use black ink. Neither colored paper nor colored inks photocopy well. Fifteen copies of the County Arts Plan are required for submittal to CAC by March 31, 1982.

2. California Arts Council Approval

Upon receipt of the locally approved county arts plans by March 31, 1982, the CAC will assess the plans for completeness and conformity to guidelines. The plans will then be evaluated by the State/Local Partnership Advisory Panel, and recommendations will be made to the California Arts Council Members. The plans will then be considered for approval by the members of the California Arts Council at an open, public meeting. Upon approval by a majority vote of the Arts Council, the individual plans render their respective counties eligible to receive the 1981-82 Local Priorities Grants. As was the case in the first program year, the Local Partner will then contract with CAC for the Local Priorities Grant, to be spent in accordance with the provisions of the locally approved and CAC approved arts plan.

It is anticipated that in this program year, 1981-82, the CAC staff and S/LPP Panel review will be completed in the early spring, and the Local Priorities Grants will be awarded by the month of June, 1982.

3. Timelines

September 1 - October 15, 1981	Announcement of S/LPP Guidelines for 1981-82 and time for applications to be submitted by Local Partners.
March 31, 1982	Deadline for receipt of locally approved arts plans at CAC offices in Sacramento.
April 1 - June 1, 1982	CAC staff and S/LPP Advisory Panel review of locally approved arts plans.
June 1982	Announcement and award of 1981-82 Local Priorities Grants.

APPENDIX A

Checklist for Required Contents of
Local Arts Plans for 1981-82

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Introduction Narrative

Part I: Organizational Structure, Authorization and Accountability

A. Identification of "Local Partner"

1. Local agency established and designated by County Board of Supervisors to develop, update and implement the local arts plan and function as a grant reviewing mechanism.
 - a. Agency by-laws and enabling ordinance.
 - b. Agency's mission statement.
 - c. Agency membership roster, and appointment procedures.
 - d. Agency's organizational chart, with description of areas of responsibility and accountability.
 - e. Local legislative bodies included in planning, approval and administration of planning/programming process for publicly funded arts activities.
 - f. Appropriate County and City resolutions (with cover letters, if accompanying) approving the local arts plan and authorizing local arts agency to implement the arts plan.
 - g. Copy of first page of executed CAC contract with Local Partner for FY 81-82 Block Grant of \$12,000.
 - h. List of appropriate contact person(s) with address and phone.

Part II: Inventories, Assessments and Arts Activity Analysis

- A. Inventory and assessment of existing arts facilities.
(Descriptions to include capacity, accessibility, history of use, floor plans where provided, rental data, contact persons, availability for scheduling, etc.).
- B. Inventory and assessment of existing cultural and arts resources.
(Descriptions to include libraries, museums of art, community centers hosting arts activities, publications and calendars, media and telephone services, etc.).
- C. Listing of Providers (defined as arts organizations, artists, private and public agencies, sponsors).
- D. Description of users/audiences (to include demographics of County by age, ethnicity, economic and employment narrative, handicapped population, etc.) as well as various artistic disciplines.

- E. Methodology for assessing arts activity needs and priorities.
 1. Description of public participation in planning/programming process (meetings, surveys, etc.).
 2. Description of participation by key informants.
 3. Description of methods used to gather and analyze data.
- F. Completed forms for reporting publicly funded arts activity from Federal, State and local government sources, as well as from private foundations and individuals, with Effort and Match computations.
- G. Comprehensive list of needs identified and prioritized.

Part III: Action Plan

- A. Comprehensive list of objectives, as derived from list of prioritized needs in Part II.
- B. Specific goals, with schedule (where possible) for reaching these goals.
- C. As one of the specific goals, a description of the locally established Grant Review Mechanism:
 1. Application procedures and requirements.
 2. Review process.
 3. Award process and appeal procedure.
 4. Local evaluation of grants activity.
- D. Description of fund-raising goals for implementing the local arts plan.
- E. Provisions for monitoring and evaluating the objectives and goals listed.
- F. Description of methodology for on-going update of local arts plan.

APPENDICES - Optional Section of Local Arts Plan

This section may contain any documentation such as pertinent correspondence, newspaper stories about the local planning/programming process, any letters of endorsement to the planning committee from artists, arts organizations, public officials, business organizations, individuals, etc. Also, any samples of pamphlets, brochures, survey forms or other hand-out materials generated by the planning/programming process, including grant-application forms for local artists, etc.

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V. ADDITIONAL RESOURCES NOTES

- A. There will be available a revised workbook for assisting the Local Partners in the completion of the process of local arts planning and establishing a local grants review agency in September 1981. The new workbook will contain step-by-step instructions for completion of the county arts plan, and new reporting forms for the local arts activity inventory.
- B. The CAC's Regional Technical Assistance Program is being expanded in fiscal 1981-82 to more actively participate in aiding Local Partners with their arts planning and programming pursuits. Regional conferences, consultations, round-tables and one-on-one site visits will be available for contracting through the Technical Assistance Program.
- C. This fiscal year there are other CAC programs impacting upon the State/Local Partnership Program, such as the Intergovernmental Agencies Program, (including the Public Broadcasting Commission, State Division of Fairs and Exhibitions, California Area Agency on Aging, California Conservation Corps, Department of Corrections and others.)
- D. The State/Local Partnership Newsletters will continue to be circulated among the Local Partners and anyone requesting to be on the S/LPP mailing list. The purpose of these newsletters is to update information, clarify issues as needed, and possibly serve as a means of networking information from the Local Partners.

ARTICLE 11.

Section 3640. GENERAL STATE REQUIREMENTS:

(1) The following requirements, in addition to any special conditions incorporated in the California Arts Council Funding Criteria, are applicable to and binding upon recipients of grants from the California Arts Council.

(2) *NOTE:* Federal funds cannot be used to match Federal funds. Most of the funds that are allocated in grants from the CAC are State funds. However, the Council also receives funds from the Federal Government. Therefore, some grants programs contain both federal and state funds. Caution should be used to insure that the proper matching occurs.

Section 3644. *PROJECT DEFINED:* As used in these provisions, the term "project" shall be deemed to include a specific project or program, or administrative or on-going support for the organization affected.

(1) *EXCESS COSTS:* In the event that the project costs exceed the amount specified in the approved budget, grantee agrees to complete the project and fund the cost above said budget from sources other than State funds.

(2) *COST DISALLOWANCE:* Grantee agrees to use the grant funds solely for the purposes of the approved project. Cost items for the purpose of determining the "cost" of the project, as that term is used in these requirements, shall include cash expended (or in lieu thereof, contractual obligations incurred for the project) and the fair value, as determined by the Council, of services or products actually incorporated therein. The burden of proof shall be upon the grantee to establish such cost items, and such cost items may be disallowed if not adequately supported by the records. Should grantee misapply any grant monies, and fail to make restitution to the State of any amounts due under the terms of the grant agreement, in addition to any other remedy provided by law, the State shall have, to the extent of its appropriate claim, an ownership in any funds or property acquired with the use of such misapplied funds.

(3) *ASSIGNMENT OR TRANSFER:* This grant, or the project relating to this grant, shall not be assigned, sub-let, or transferred, in whole or in part, without the prior concurrence of the California Arts Council.

(4) *RETURN OF GRANT FUNDS EARMARKED BUT NO LONGER REQUIRED FOR SPECIFIC ITEMS:* Where the budget specifies that grant funds are to be used for specific items, and subsequent to the receipt of the grant, the grantee obtains the same without cost, or at a reduced cost, the saving, except for good cause in the judgment of the California Arts Council, shall be promptly returned to the State.

(5) *INDEMNITY CLAUSE:* Grantee agrees to defend the State of California, its officers, agents and employees, against any claims and to pay any judgments obtained against the State of California, its officers, agents and employees, arising from any services or materials furnished, or any injuries or other damages suffered by any party in connection with the conduct of the project, and agrees to hold the State harmless.

(6) *TERMINATION:* If the California Arts Council determines subsequent to the approval of the project, (1) grantee has failed to perform any of its obligations under the grant, (2) grantee has assigned, sub-let, or transferred any part of the project in violation of Section 3 above, or (3) violated any of the other conditions of the signed contract, Council may in its discretion terminate in whole or in part, the grant upon written notice to the grantee specifying the services terminated and the effective date of termination. Within 60 days of such termination, grantee agrees to furnish the State an itemized accounting of funds expended, obligated and remaining under the grant. Grantee right of appeal is determined by the regulations of the State Control Board.

(7) *REDUCTION OF STATE'S GRANT:* Notwithstanding any other provision of these requirements, should the project, to time of completion, or termination in whole or in part, cost less than the approved budgeted amount on which the grant was based, grantee's matching amounts (including funds, or services or products incorporated into the project in lieu thereof) shall be conclusively deemed to have been expended first, and the grant shall be reduced by any amounts remaining after completion or termination of the project. Such remaining amounts shall be promptly forwarded to the Arts Council.

(8) *TRAVEL EXPENSES:* Limitation on Allowable Costs - The California Arts Council will not recognize as a matching cost, travel expenses, though included in the project budget.

(9) *COSTS RECORDS:* Grantee shall maintain complete, accurate and current records of all income, including obligations incurred with respect thereto. Such records, or copies of such records, shall be kept separate from other cost records. During the duration of the project and for not less than four years after completion or termination of the project, grantee shall make available for examination or audit any books, documents, papers or records pertaining to the project, to the California Arts Council, State Controller or where pertinent, the Federal Government. Upon request of such parties, grantee shall furnish at its own expense legible copies of material they deem pertinent.

(10) *EVALUATION AND EXPENDITURE REPORTS:* Grantee agrees to furnish at such times during or upon the completion of the project, as may be determined by the State, and where requested by the State, on forms furnished by the State, evaluation and expenditure reports relating to the project.

(11) *INDEPENDENT CONTRACTOR:* Grantee shall not represent to any person, foundation, group, organization or government entity, whether employed by it or not, that it is acting as agent for the State or that it is entitled in any way to act or incur obligations on behalf of the State.

(12) *FAIR EMPLOYMENT PRACTICES ADDENDUM:* The Fair Employment Practices Addendum, Standard Form 3, (8/78) as amended from time to time, is herewith made a part of these General State Requirements.

(13) *THIRD PARTIES.* Nothing contained in the terms of the grant shall create or give to third parties, any claim or right of action against the State.

(14) *APPROVALS BY DEPARTMENTS OF FINANCE AND GENERAL SERVICES:* This grant shall not be deemed accepted, valid, or binding, on the part of the State unless approved by the Departments of Finance and/or General Services of the State of California, where their approval is required.

(15) *ENTIRE AGREEMENT:* The terms of the grant, when the grant has been made, constitute the entire understanding between the parties hereto and no statement, promise, condition, understanding, inducement, or representation, oral or written, expressed or implied, which is not contained herein shall be binding or valid. After the grant has been accepted by the grantee, the terms of the grant shall not be changed, modified, or altered in any manner, except by an instrument in writing executed by the parties hereto, subject, where required, to the approvals of the Departments of Finance and/or General Services.

(16) *FEDERAL MINIMUM WAGE REQUIREMENTS:* Grantee agrees that where the grant consists in whole or in part of Federal funds, and/or State funds that all professional performers and related or supporting personnel employed on the project will be paid, without subsequent deduction or rebate on any account, not less than the minimum compensation as determined by the Secretary of Labor to be the prevailing minimum wage of the State of California for persons employed in similar activities. For the proper construction of this section, grantee is referred to Part 505 of Title 29 of this Code of Federal Regulations, as last amended June 19, 1972, and as it may be further amended from time to time.

(17) *MENTION OF THE "CALIFORNIA ARTS COUNCIL" AND "NATIONAL ENDOWMENT FOR THE ARTS" OR ANY FEDERAL AGENCY SUPPORT:* In any printed, visual or recorded matter, or in any exhibition, display or performance, which describes or is prepared in connection with, or results in whole or part from the grant, mention shall be made of the California Arts Council's support, and where the grant is derived in whole or in part from Federal funds, of the support of the Federal Agency. Copies of printed matter containing such mention should be sent to the CAC with the evaluation report required by the terms of the grant. Any documents containing such mention shall specify that any findings, opinion, or conclusions contained therein are not necessarily those of the California Arts Council and, where applicable, not necessarily those of the Federal Government or the National Endowment for the Arts.

(18) *EVALUATION:* The final ten percent (10%) of the grant award will be withheld until grantee has submitted the final evaluation report.

FAIR EMPLOYMENT PRACTICES ADDENDUM

1. In the performance of this contract, the Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, sex*, age*, national origin, or physical handicap*. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, ancestry, sex*, age*, national origin, or physical handicap*. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by the State setting forth the provisions of this Fair Employment Practices section.

2. The Contractor will permit access to his/her records of employment, employment advertisements, application forms, and other pertinent data and records by the State Fair Employment Practices Commission, or any other agency of the State of California designated by the awarding authority, for the purpose of investigation to ascertain compliance with the Fair Employment Practices section of this contract.

3. Remedies for Willful Violation:

- (a) The State may determine a willful violation of the Fair Employment Practices provision to have occurred upon receipt of a final judgement having that effect from a court in an action to which Contractor was a party, or upon receipt of a written notice from the Fair Employment Practices Commission that it has investigated and determined that the Contractor has violated the Fair Employment Practices Act and has issued an order, under Labor Code Section 1426, which has become final, or obtained an injunction under Labor Code Section 1429.
- (b) For willful violation of this Fair Employment Practices provision, the State shall have the right to terminate this contract either in whole or in part, and any loss or damage sustained by the State in securing the goods or services hereunder shall be borne and paid for by the Contractor and by his/her surety under the performance bond, if any, and the State may deduct from any moneys due or that thereafter may become due to the Contractor, the difference between the price named in the contract and the actual cost thereof to the State.

*See Labor Code Sections 1411 - 1432.5 for further details.

STD. 1 (1/77)

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504 - HANDICAPPED REGULATIONS

Regulations for Nondiscrimination
on the Basis of Handicap

These regulations implement section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112, 29 U.S.C. 794. Section 504 provides that "no otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." The regulations define and forbid acts of discrimination against qualified handicapped persons in programs and activities receiving federal financial assistance from the National Endowment for the Arts. As employers, recipients are prohibited from engaging in discriminatory employment practices on the basis of handicap and must make reasonable accommodation to the handicaps of employees unless the accommodation would cause the employer undue hardship. As providers of services, recipients are required to make programs operated in existing facilities accessible to handicapped persons, to ensure that new facilities are constructed in a manner readily accessible to handicapped persons, and to operate their programs in a nondiscriminatory manner.

For further information contact: Robert Wade, General Counsel,
National Endowment for the Arts, 2401 E Street, N.W., Washington,
D.C. 20506, 202-634-6588.

Grantees receiving only State funds should be aware that the State is in the process of issuing similar regulations and that grantees will be required to adhere to the regulations during the course of this FY 80-81 grant even if they are not receiving federal NEA funds.

00785

AFFADAVIT OF COUNCIL ACTION

THIS IS TO AFFIRM that at its regularly scheduled public meeting held in Eureka on August 14, 1981, the California Arts Council approved and adopted the 1981-82 State/Local Partnership Program Guidelines, as submitted by the State/Local Partnership Advisory Panel; and, in accordance with the 1981-82 budget (effective July 1, 1981), as signed by the Governor. In accordance with these guidelines, a \$12,000 block grant is awarded to all eligible Local Partners, as designated by the local county Boards of Supervisors, under the program.

September 2, 1981

Date

William B. Cook

William B. Cook, Director
California Arts Council

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NOV 16 1981

Passed and adopted by the Council of The City of San Diego on _____
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Barbara Beridge, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-255268 Adopted NOV 16 1981