

BY-LAW 2013-271

**A BY-LAW OF THE CITY OF GREATER SUDBURY TO
ADOPT THE GREATER SUDBURY
ARTS & CULTURE GRANT PROGRAM POLICY**

WHEREAS Council of the City of Greater Sudbury wishes to adopt a Greater Sudbury Arts & Culture Grant Program Policy;

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY
HEREBY ENACTS AS FOLLOWS:**

1. Council for the City of Greater Sudbury adopts the Greater Sudbury Arts and Culture Charter attached hereto as Schedule A.
2. Council for the City of Greater Sudbury adopts the Greater Sudbury Arts & Culture Grant Program Policy attached hereto as Schedule B as a policy of the City.
3. By-law 2009-267 as amended is hereby repealed.
3. This By-law shall come into force and effect upon passage.

READ AND ENACTED IN OPEN COUNCIL this 10th day of December, 2013

 Mayor

 Deputy
Clerk

SCHEDULE A

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City of Greater Sudbury Arts and Culture Charter

Given that investment in arts and culture is essential to ensuring a socially and economically healthy, creative and vibrant community;

And that arts and culture enhances community identity and sense of belonging;

And that quality of life has become a key competitive asset in attracting business, visitors and skilled workers;

Therefore, the arts and culture sector together with the City of Greater Sudbury recommends that we, as a whole community, including the public, private and not for profit sectors work diligently together to increase arts and culture capacity by supporting policies, strategies and programs that will foster and build:

A Community that is Committed and Supportive of Arts and Culture

- Provide a broad balance of arts and culture programs that are accessible and available to all residents of the City of Greater Sudbury
- Enhance existing spaces and develop new public spaces to define and create a special sense of place
- Adopt a sustainable funding policy framework to support and ensure stability for the arts and culture sector
- Foster the development of strong boards and an effective volunteer base.
- Engage the private sector in arts and culture development

A Community Proud of its Character and Heritage

- Develop vibrant and diverse cultural identities as defined by the City's cultural assets, people, ethnicity, industry and natural environment
- Offer a range of leisure and entertainment activities to encourage the celebration and appreciation of Greater Sudbury's cultural authenticity
- Be an advocate for the protection of Sudbury's history and heritage
- Build a greater understanding of the cultural character and identity of Greater Sudbury and its communities through research, promotion and awareness

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A Community that Values the Economic Potential and Contribution of the Arts

- Articulate and promote the contribution of arts and culture to both the social and economic well being of Sudbury
- Position Greater Sudbury as a globally competitive Creative Community and destination for skilled workers, visitors and businesses
- Facilitate cooperative efforts between arts and culture organizations and tourism/economic development authorities to better promote the quality and variety of arts and culture in Greater Sudbury
- Ensure arts and culture is included in other municipal strategies and plans such as economic policy, social policy, downtown development and public works projects

A Community that Nurtures Innovation and Creative Expression

- Build Greater Sudbury's capacity and reputation as a city and region for innovation, learning opportunities and artistic and design excellence
- Establish and maintain a public art program that will enhance public space
- Develop Greater Sudbury as a place of opportunity and creative development for children and youth
- Stimulate, reward and recognize talent within the City's artistic community
- Encourage citizens to be active participants in, and audience members for the arts

A Community that Promotes Strong Collaborations and Communication

- Develop the conditions, infrastructure and networks needed to develop Greater Sudbury's reputation and status as a creative community
- Encourage creative partnerships across arts and cultural pillars
- Develop an accessible inventory and network of cultural assets and information
- Encourage and facilitate co-operative partnerships in other sectors including health, government, business and education to deliver arts and cultural services

SCHEDULE B

TO BY-LAW 2013-271

Greater Sudbury Arts & Culture Grant Program Policy

Background

The City of Greater Sudbury Council approved the creation of the City's Arts & Culture Funding Program in 2005. The City of Greater Sudbury Arts & Culture Grant Program was established to invest funds into the local arts and culture sector, which is a contributing factor to the quality of life in our community.

The City also developed an *Arts & Culture Charter and Strategy* in 2006 to create a vision statement, guiding principles, goals and recommendations to foster growth and development of the arts and culture sector in Sudbury. The *Arts & Culture Strategy* also includes definitions pertinent to the arts and culture sector and plays an important role in guiding staff and City Council on the arts and cultural services to be developed for our community. In addition, the Cultural Planning process of 2013-2014 seeks to revisit priority areas of the sector and create a strategic plan that engages the community in its implementation plan.

The broad goals of the *Charter and Strategy* are to create;

- A community that is committed and supportive of arts and culture
- A community proud of its character and heritage
- A community that values the economic potential and contribution of the arts
- A community that nurtures innovation and creative expression
- A community that promotes strong collaborations and communication

Furthermore, a thriving and sustainable arts and culture sector has been identified as an economic engine in the Economic Development Strategic Plan, *Digging Deeper* (2012). The City of Greater Sudbury commits to setting a long-range goal of increasing spending in the arts as a percentage of total annual spending. The City's economic development division, the City of Greater Sudbury Community Development Corporation (CGSCDC), has been administering the application process for the Greater Sudbury Arts & Culture Funding Program since 2005. In 2013 this fund totaled \$577,000.

The program is intended to recognize the contribution of arts and cultural institutions, special events and projects to the quality of life in Greater Sudbury. It acknowledges that, while these institutions and organizations provide significant benefits to our community, they generally do not have the capability to be financially self-sustaining. In order to ensure their continuity and continuing benefit to the community, it is appropriate for the City to provide direct financial support and to encourage additional support from citizens, other levels of government, and the private sector.

It is anticipated that additional amendments to this policy and application forms may be required during the course of implementation to reflect organization needs and changing demand from the arts and culture sector.

Eligibility Criteria

Grants fall within two streams and are administered separately as follows:

Project Grants

- Reviewed by the Community Arts & Culture Advisory Panel and ratified by Council
- Total funds available in 2013 were \$81,000

"Projects" may include (but are not limited to):

- Special/one-time activities including exhibits, performances or specific aspects of festival participation (e.g.: website development, ticketing system, etc).
- Training and development for skills upgrading within the organization for the benefit of the community (capacity building).
- Acquisition of equipment necessary for the ongoing development of the organization (e.g.: point-of-sale system), which does not include equipment that must be replenished each year.

Operating Grants

- Reviewed by the Major Arts & Culture Subcommittee and ratified by the City of Greater Sudbury Community Development Corporation Board
- Total funds available in 2013 were \$496,000

"Operating Grants" support organizations that have an ongoing presence in the City of Greater Sudbury and an established track record of successfully providing quality programming and/or services. Only organizations that have a sequential five year track record in Annual Operating Grants may apply for Sustaining Operating Grants.

Exclusions for all streams

An application may be considered ineligible if:

- The applicant has submitted another application to the Arts & Culture Grant Program that year.
- The organization receives 80% or more of its funding from other government sources.
- The organization acts in the capacity of a funding body for, or makes grants to, any other group or organization that is/will also be funded by the City (e.g.: a foundation whose core mandate is fundraising).
- The funding is intended to support organizations that are primarily training or educational institutions.
- Its proposed activities duplicate support provided by the City of Greater Sudbury directly.
- The request includes capital or deficit funding.
- The applicant is in default to the City due to failure to report satisfactorily for previous grants, failure to refund grant overpayments or due to unpaid accounts.
- The applicant (including board members) receives direct remuneration as a result of programming.

Project Grants

Project Grants under \$3,000

The applicant must:

- Be an incorporated not-for-profit arts/culture organization or an unincorporated arts/culture organization/collective that is headquartered in the City of Greater Sudbury. Requests from organizations whose primary mandate is not arts/culture may be considered if the project demonstrates a significant arts/culture component that enhances community access or promotes the development of the arts/culture sector. The organization must maintain a clear distinction in programs and budgets between the organization's ongoing activities and its arts/culture project.

- Have a stable volunteer/staff base in place to carry out activities (i.e.: demonstrate governance structure and partners).

Project Grants of \$3,000 or more

The applicant must:

- Be an incorporated not-for-profit arts/culture organization that is headquartered in the City of Greater Sudbury. Requests from organizations whose primary mandate is not arts/culture may be considered if the project demonstrates a significant arts/culture component that enhances community access or promotes the development of the arts/culture sector. The organization must maintain a clear distinction in programs and budgets between the organization's ongoing activities and its arts/culture project.
- Have a stable volunteer/staff base in place to carry out activities (i.e.: demonstrate governance structure and partners).
- Have an independent and volunteer board of directors that meets regularly and does not receive financial remuneration for this project.
- Have received a minimum of two small project grants (less than \$3,000) in the past and an established record of success.
- Submit financial statements for the applicant organization that are in line with the generally accepted accounting procedures (GAAP).

Regardless of the amount requested, **projects must:**

- Have a distinct start and end date within the calendar year for which the grant is provided.
- Have specific deliverables based on the project.
- Benefit the residents of the City of Greater Sudbury as laid out in the current *Arts & Culture Strategy*.
- Fit within a realistic budget (contact staff to inquire about realistic request levels and expenses for the specific project), and have sources of funding other than the City of Greater Sudbury. Organizational surpluses and reserves will be examined. When a surplus with a value in excess of three months operating expenses exists, further justification is required.
- Demonstrate a willingness to cooperate with related groups in the community.

Operating Grants

Annual Operating Grants

The applicant must:

- Be an established and incorporated not-for-profit arts/culture organization that is headquartered in the City of Greater Sudbury with arts/culture as its primary mandate.
- Have been in existence for at least three years providing regularly scheduled artistic/cultural programming to the community.
- Outline its services with specific deliverables that benefit the residents of the City of Greater Sudbury as laid out in the current *Arts & Culture Strategy*.
- Demonstrate a willingness to cooperate with related groups in the community.
- Have received minimum of three Project Grants or other municipal funding (e.g.: Tourism Event Support, Community Economic Development Funding, etc.) within the past five years, each totaling \$3,000 or more.
- Have received recognition for excellence in their artistic/cultural discipline (e.g.: in the form of peer support, awards, media, etc).
- Have an independent and active governing board of directors composed of volunteer board members.
- Demonstrate a considerable volunteer component.

- Have employment practices that comply with applicable legislative requirements, such as the Employment Standards Act of Ontario, the Pay Equity Act of Canada and the Ontario Human Rights Code.
- Demonstrate financial stability for at least three consecutive years as well as the need for the requested funding and provide evidence that funds are confirmed/projected from a variety of other sources are clearly stated in the application (i.e.: donations, sponsorships, user fees, other government sources). Organizational surpluses and reserves will be examined. When a surplus with a value in excess of three months operating expenses exists, further justification is required.
- Requirements for financial statements (through CADAC) are dependent on the level of the request:
 - \$25,000 or less requires a financial statement approved and signed by two board members other than the Treasurer;
 - Over \$25,001 requires a Notice to Reader financial statement provided by an independent, professionally designated accountant;
 - Over \$50,001 requires a Review Engagement financial statement provided by an independent, professionally designated accountant;
 - Over \$100,001 requires an Audited financial statement provided by an independent, professionally designated accountant.

Sustaining (Multiyear) Operating Grants

In addition to fulfilling all requirements outlined for Annual Operating Grants, the applicant must also:

- Have at least five years of successfully completed Annual Operating Funding from the City of Greater Sudbury.
- Outline future planning (i.e.: an established strategic plan), including activities with a funding term of three years.
- Submit a comprehensive post-project report annually during the term in order for funding to be renewed on a rolling three-year basis. Where practical, this may include a presentation and/or site visit.

Proponents to the "Sustaining" Operating Grants are subject to evaluation and approval prior to submitting a full application. Approved multi-year funding will be guaranteed at 90% of the amount requested, with the remaining 10% subject to volume and quality of the other applications received in every year of eligibility.

Eligible Expenses for Operating Grants

The costs incurred to deliver the organization's programs and services, such as:

- Employee compensation and development
- The space in which the organization operates and related expenses (e.g.: rent, insurance, utilities, maintenance)
- Fees related to operations (e.g.: marketing, legal, accounting, etc.)
- Non-capital program and office equipment and supplies necessary for the on-going operation and development of the organization

Ineligible Expenses

- Capital costs (e.g.: expenses incurred on the purchase of land, buildings, construction, etc)
- Deficit funding (i.e.: funds intended to be used to cover and/or increase the organization's deficit position)
- Equipment or expenses for personal use (e.g.: uniforms, instruments, travel, etc)

Note: Decisions regarding the Arts & Culture Grant Program are made by the Major Arts & Culture Subcommittee and by the Community Arts & Culture Grant Advisory Panel. Some exemptions to the eligibility criteria may apply and are at the discretion of the respective review committees. Please contact staff should you have any questions.

Terms and Conditions

The terms and conditions below are to be referenced in the funding agreements. The funding agreements require successful applicants' signatures prior to the release of funds and form a legally binding agreement between the applicant and the City of Greater Sudbury.

1. Grants shall only be used for the purposes outlined in the letter of approval and any attachments thereto. Changes in the proposal shall only be made with the City's written approval. Any unused portion of the Grant remains the property of the City of Greater Sudbury.
2. Applicants in default to the City due to failure to account in a satisfactory manner for previous Grants, or to refund Grant overpayments, will not be eligible for consideration.
3. Applicants must identify any funds for this project derived from the disposal of an asset previously purchased with assistance from City of Greater Sudbury funds. The Recipient shall not sell, lease or otherwise dispose of assets purchased in whole or part with City Funds, without the prior written consent of the City.
4. Groups obtaining grants for equipment must provide an undertaking that the equipment will become the property of the City of Greater Sudbury in the event that the groups disband.
5. The grant application must be complete to be considered.
6. All applicants must submit a Post Project report by the date indicated in the letter of approval. Failure to provide a Post Project report will forfeit the ability to apply the following year.
7. All grant recipients must provide yearly financial statements. Audited statements are required if available and in accordance with the requirements outlined above.
8. The applicant organization shall submit any further pertinent information as may be required by the Arts & Culture Grant Advisory Panel and/or the City.
9. The City shall be entitled to impose additional terms and conditions in its letter of approval, at its discretion.
10. Granting of assistance in any one year or over several years is not to be interpreted as a commitment to future year's funding. Grants are not automatically awarded based on previous year's applications. Continuation of multiyear funding agreements is conditionally based on successful completion of deliverables laid out in the previous year's funding agreement.
11. Neither the Applicant nor the Recipient shall assign its application or Grant, respectively, without the prior written consent of the City.

12. Recipients must acknowledge the support of the City of Greater Sudbury by using the City of Greater Sudbury logo on all forms of communication related to the activity for which they were funded. This includes advertising, information documents, websites and other electronic communications.
13. The Recipient shall keep and maintain all records, invoices and other documents related to the Grant in a manner consistent with generally accepted accounting principles and clerical practices, and shall maintain records for a period of three (3) years. The Recipient authorizes the City and its agents at all reasonable times to inspect and copy any records, invoices and documents relating to the Grant, in the possession, or under the control, of the Recipient.
14. The Recipient agrees that the City shall not be liable for any damages including, but not limited to, general, incidental, indirect, special or consequential damages, injury or loss of use, revenue or profit of the Recipient arising out of or related to the organization or its activities, unless it was caused by the negligence or willful act of an employee of the City.
15. The Recipient shall, at the request of the City, repay to the City the whole or any portion of the Grant if the Recipient:
 - ceases operating;
 - has knowingly provided false information in this application;
 - uses the funds for purposes other than those detailed in the attachments thereto;
 - breaches any of the terms and conditions of this Agreement;
 - breaches any of the provisions of the Human Rights Code, in the operation of this project;
 - commences, or has commenced against them, any proceeding in bankruptcy.

Where required, the Grant shall be repaid by cheque, payable to the City of Greater Sudbury and mailed to:

City of Greater Sudbury
Tourism and Culture Section
PO Box 5000 Station A
200 Brady Street
Sudbury, Ontario
P3A 5P3

Evaluation Criteria

Organizations will be evaluated based on their ability to meet the following evaluation criteria which measure the quality of the organization's programming, the ability to deliver and the outcome of the organizations project or plans. The evaluation also provides a method of identifying areas of weaknesses and strengths for guidance purposes.

The current Arts & Culture Strategy, the Economic Development Strategic Plan and the Cultural Planning process seek to identify priority areas for municipal investment in the local arts and culture sector. Applications will be evaluated on the basis of the following criteria:

Organizational & Financial Health

For Operating Arts & Culture Grants, many of these criteria are informed by the financial information submitted through the CADAC (Canadian Arts Data / Données sur les arts au Canada) system.

- Revenue stream shows stability and growth.
- There is a demonstrable positive impact in the arts and culture community stimulating economic development and cultural tourism opportunities.
- There is an available market for the programs or events being offered.
- There is financial stability and accountability and the budget for the request for funding is reasonable and realistic.
- The Applicant demonstrates initiative and success in generating revenue other than municipal funding and encourages partnerships with a clear relationship between and among the partners.
- There is a clear mandate, competent administration and effective governance structure.
- There is a demonstrated need for financial assistance from the City and the current proposal is well planned and achievable.

Artistic/Cultural Merit

- The Organization has demonstrated standards of artistic/cultural achievement and excellence in past activities.
- The Applicant demonstrates innovation and creativity in its programming and activities.
- The proposed project/activity is distinct and innovative in the context of comparable activities in the City of Greater Sudbury and there is a demonstrated need.
- The project/activity encourages and provides unique opportunities for artists, other arts and cultural organizations and the public.
- The Organization's artistic or cultural activities have an impact on group or individual artistic or cultural development in the community through factors such as; the promotion of local talent and its expression; the introduction of all ages to arts and culture; the efforts and effects in encouraging an arts or community career.
- Members of the arts and culture community are included in the planning of the project.
- There is a level of engagement with local arts organizations, artists and community groups.
- The project/activity meets the objectives of the City of Greater Sudbury's Arts & Culture Strategy.

Community Impact

- The Applicant's activities are directed to the improvement of the quality of life in the City of Greater Sudbury.
- Public access to the work is a priority including access to the City of Greater Sudbury's diverse communities.
- The Organization has the appropriate marketing and publicity plan in place for its activities or work, reaching out to community audiences.
- There is substantial and/or growing public interest and attendance for the activities or work, stimulating wider appreciation of the City's arts and cultural heritage.

Grant Review Process

Guidelines will be provided to applicants outlining the application process, including the intake process; roles and responsibilities of staff and Subcommittee/Panel members in terms of the initial review, due diligence and recommendations; allocation of funds and funding agreements as well as reporting requirements and public recognition of support. These guidelines are subject to Subcommittee/Panel review and will be made available through the CGS and CGSCDC websites.

Definition of Terms

Applicant means the organization which submits this application to the City of Greater Sudbury.

City means the City of Greater Sudbury.

Recipient means the applicant organization which has submitted this application, has agreed to be bound by these terms and conditions, and has been awarded an Arts & Culture Grant by the City of Greater Sudbury.

Funding Agreement is an agreement entered into by the Applicant and the City at the time of grant dispersal which binds the Applicant to complete the activities as laid out in the application submitted and as agreed to in consultation with the city.

Arts and Cultural Organization is a not-for-profit group whose mandate is of an arts and cultural nature.

Arts encompasses the broad areas of visual arts including painting, drawing, sculpture and architecture, material arts and crafts such as ceramics, design carving and fiber arts, performing arts such as theatre, dance and music, literature such as fiction, poetry and drama, media arts such as photography, video and film and interdisciplinary arts.

Culture which consists of learned ways of acting, feeling and thinking is a term used to describe the way of life of a people. It includes all the traits and elements that distinguish a given society, its identity and its vision of the world. It includes our values, beliefs, customs, language, lifestyles and traditions.

Arts & Culture Industry refers to the relationship between culture and the economy.

Business Plan - A blueprint and communication tool for any organization. It is comprehensive in reflecting goals and objectives and how they are expected to be reached. It clearly outlines what and how and from where the resources to accomplish the goals and objectives will be acquired and utilized. It typically covers a period between three (3) and five (5) years.

Capital Costs - Money spent for replacing and improving business facilities.