2018 Erie County Cultural Funding

Applicant Briefing

April 20, 2017

Welcome & Introductions

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Erie County | Environment & Planning

Thank You!

WNED

Housekeeping

- Please **Sign-in** & provide a **business card** or update contact information for your organization
- **Handouts**
  - Agenda
  - Copy of application

Art & Culture: Priority of the County Executive

- 40 Years of Investment of Public Funds in the Sector
- Investment is cumulative
- General Operating Funds
- 2017 funding = $6.1 million

Overview: EACAB Charge

Erie Arts & Cultural Advisory Board

Does ***<u>NOT</u>*** evaluate art or programming

EACAB Charge

- Review <u>organizations</u> in the areas of:
  - **Governance**
  - **Management/Planning**
  - **Fiscal Health**
  - **Community Impact**
  - **Alignment of programming with mission**
  - **Recognition of Erie County**

Process: Annual Organizational Checkup

- **Application organizes important documents**:
  - Mission
  - Bylaws
  - Board Information
  - Policies
  - Financials
  - Program Description
  - Strategic Plan
  - Evaluation

Process

- **Independent Review**
- **Extra Care for public funds**
  - $6.1 million Discretionary Funds in County budget of $1.62 Billion
  - Cultural Budget Receives lots of Attention
- **Avoid problematic publicity**
- **External Governance Audit**
- **Ensure serious future planning**

Process

- Review this year for funding to be awarded in 2018
- Process in 2016 was for funding received in 2017
- Review must look ahead (reason for emphasis on planning & forecasts)

- It gets confusing!

Timeframe - Review

- Applications Due
  - **Thursday, June 8, 2017 at 11:59pm**
  - Help available until 5pm
- **Incomplete Applications**
  - Missing attachments
  - Unanswered questions/sections
  - Inappropriate Use of Short Form

Timeframe - Review

Requests for **More Information**

Follow-Up Questions from EACAB
May be sent –late June

ALL Recommendations due at Budget Office: **August 11, 2017**

Timeframe - Budget

- Feedback letters sent to organizations - **August 2017**
  - Feedback letters do NOT guarantee funding
- County Executive presents draft budget to Legislature
  - **October 15, 2017**
  - **Public hearings - November**
- Legislative Budget Meeting - **December 1, 2017**
- Budget Override Meeting - **December 8, 2017**
- Erie County Adopted Budget - **published in January 2018**
  - To determine if your organization was awarded ,and how much, see **Book A**, under the Department of Environment & Planning section

Feedback Letters

- Letters sent to the majority of organizations who applied for 2017 Cultural Funding
- Exemplary Items / Issues & Concerns
  - ***No Response Required***
  - Purpose:
    - Feedback offered to organizations
    - May help improve future applications
    - To provide continuity for future EACAB reviews

Major Changes for 2018

- **Long Form** (revised)
- **Short Form Eligibility**
- **NEA/NEH/NYSCA Funding**
- **Dissolution**

IRS Philosophy as a Guide to EACAB

- IRS found **sound nonprofit governance correlates with good tax law compliance.**
- As a result, **many governance questions have been added to Form 990**.
- ***Answers that reflect poor governance can lead to a greater chance of being audited.***

Emphasis Continues:

- **Compliance with IRS 990 & NYS Non-Profit Revitalization Act**
- **Oversight Mechanism?**
  - Conflict of Interest Policy
  - Whistleblower Policy
- **Bylaws updated 2015 – 2017**
- **Strategic Plan is living document**

NYS Non-Profit Revitalization Act

- Standards in the law are the **"minimum"** for good governance
- **Erie County seeks higher standards** as part of the public investment & on behalf of the taxpayers

Conflict of Interest Policy

- **Effective July 1, 2014**
- **<u>Mandatory</u> Conflict of Interest Policy**
  - Required for **<u>ALL</u>** nonprofits & trusts
  - Must cover directors, officers & key employees
- **Disclosure Statements**
  - Complete prior to initial election of any director
  - Signed, collected, evaluated, recorded **<u>annually</u>**
- **Minutes must reflect issues of conflict** for certain people & their non-participation in discussions & votes

Independent Director

- Importantly, *the term "**payment**" does NOT include **charitable contributions***.

- Unfortunately, the Act does not define "***substantial financial interest***."

- http://www.mintz.com/newsletter/2015/Advisories/4531-1214-NAT-CORP/index.html

Independent Director Definition

- A Director who is **not the following:**
  - **NOT an employee** of the organization or any of its affiliates, and
  - **NOT Related** to a Key Employee
  - **NOT a vendor or service provider** (or has a relative) compensated above $10,000
  - **NOT an Employee or Owner** (or has a relative) **of a vendor or service provider** receiving compensation above certain thresholds

Last Thoughts

- When in doubt, disclose
- Document, document, document
- Boards are temporary stewards of the past, present & future
- Strive for fair, reasonable & act in the best interests of the organization

Invest in Legal Counsel to review your documents

County Legal Department Compliance

Pay Equity Certification

Equal Opportunity Office Audit

2018 Application

www.erie.gov/culturalfunding

Basic Eligibility

- Located in Erie County
- Provide services in Erie County
- 501 c 3 with tax exempt status prior to 2014
- Board approved Strategic Plan

Meet One Definition:

- Operate at county-wide or recognizable community level
- Cultural activities and/or collections are distinctive and of significant quality
- Provide visitors with access to programs/displays of performing, visual, literary & media arts - and/or exhibits & collections which preserve and interpret our cultural, natural & scientific heritage
- Particularly serves the cultural needs of significant segments of the County population, contributing to the quality of life in Erie County

Long Form

- Traditional application
- For grants **greater than $7,500**
- Organizations of any size may use this form
- Most rigorous
- Full review & feedback process

Sunshine Provision

- Information you provide may be subject to public discussion

- Information you provide may be subject to disclosure pursuant to NYS Public Officers Law

Recognition for Erie County

- If your organization **received funding in 2017** you have committed to recognizing Erie County
- If your organization **applies for 2018** County funding this recognition must be detailed in a plan as part of the application (G)
- If your organization is **awarded funding in 2018** increased attention on plan vs. reality
- **Guidelines** will be available soon for 2018 recognition of Erie County

Short Form

- **2018 request CANNOT EXCEED $7,500**

AND

- **2017 FUNDING did not exceed & $7,500**
- Fewer Essays
- No Evaluation
- Minimal feedback

Application Comparison

Application	LONG FORM		SHORT FORM
General Information Summary	Part 1		Part 1
Funding Request Summary	Part 2		Part 2
Applicant Data Summary	Part 3		
Document Update Information	Part 4		Part 3
Board of Directors	Part 5		Part 4
Fiscal Accountability	Part 6		Attachment B - 3 years of financials (Actual 2 prior years, current budget + year to date actual, 2017 budget)
Programs, Exhibits, Performances	Part 7		*Described in essay*
Capital/Endowment Campaign	Part 8 + Attachment K		
Real Estate	Part 8 + Attachment K		
Compensation - 5 top employees & consultants	Part 9		

Essay Comparison

Essays	LONG FORM		SHORT FORM
Part I: Organization	5 Questions		5 Questions
Part II: Governance & Staffing	7 Questions		7 Questions
Part III: Planning	7 Questions		2 Questions
Part IV: Evaluation	4 Questions (Board, CEO/Executive Director, Programs, Accreditation)		
Part V: Population Served	2 Questions		
Part VI: Response to Erie County	1 Question + Attachment G		1 Question + Attachment G

Attachments

Letter	LONG	SHORT	
A - Balance Sheet	●	●	
B - Financial Statements	●	●	Short Form - OPTIONAL: May use *Revenues & Expenses Worksheet* from erie.gov/culturalfunding
C - Form 990/Tax Filing Proof	●	●	
D - 2017 Cash Flow Forecast	●	●	
E - Conflict of Interest	●	●	
F - Whistleblower	●	●	
G - County Recognition	●	●	
H - Bylaws	●	●	
I - Strategic Plan	●	**essay**	
J - Corporate/Foundation Support	●	●	If Applicable
K - Campaigns, Endowment, Real Estate	●	●	If Applicable

Trouble Spot 1

- **Accumulated operating surplus or deficit?**
- **How much?**

- Long Form – Part 6
- Short Form – Part 2

Trouble Spot 1, cont'd - Long

PART 6 – DOCUMENTATION OF FISCAL ACCOUNTABILITY

Please complete according to your organization's fiscal year, rather than calendar year.

Does your organization have an accumulated operating (choose one): *(Do not include endowment/capital funds)*	☐ Surplus =	☐ Deficit =
	$	$

REVENUE	FY 2015 Actual		FY 2016 Actual		FY 2017 Budget		FY 2017 Actual YTD		FY 2018 Projected	
	Start Date	End Date	Start Date	End Date	Start Date	End Date	Start Date	End Date	Start Date	End Date
Earned Income										
1. Admissions										
2. Memberships										
3. Fundraising events (gross)										
4. Tuition (workshops)										
5. Contracted services										
6. Facility Rental										
7. Proceeds: Goods Sales										
8. Remaining/Other (specify):										
a.										
b.										
9. Total Earned Income										

Trouble Spot 1, cont'd - Short

PART 2 – FUNDING REQUEST & FINANCIAL OVERVIEW			
Amount of 2018 Erie County Cultural Funding Request	$		
Amount of 2017 Erie County Cultural Funding Awarded	$	Received funding?	☐ Yes ☐ No
Total Amount of Applicant's 2017 Operating Expenses (Not Capital)			
2018 request is what percentage of 2017 Total Operating Expenses? (Not Capital)			
Purpose of 2018 Funding Request			
Does your organization have an accumulated operating (choose one): *(Do not include endowment/capital funds)*	☐ **Surplus = $**	☐ **Deficit = $**	

Trouble Spot 2

- **Compensation 5 Top Staff**
- **Compensation 5 Top Consultants**

- Long Form – Part 9
- Short Form – not included

Trouble Spot 2, cont'd

PART 9 – ITEMIZED DETAIL OF TOTAL COMPENSATION (IN WHATEVER FORM, FROM ALL SOURCES)		
5 HIGHEST COMPENSATED EMPLOYEES		
#	POSITION	TOTAL COMPENSATION AMOUNT
1.		
2.		
3.		
4.		
5.		
5 HIGHEST COMPENSATED CONSULTANTS		
#	POSITION	TOTAL COMPENSATION AMOUNT
1.		
2.		
3.		
4.		
5.		

Trouble Spot 3

- **Name File Attachments**
  - Acronym for your organization
  - Letter to match attachment
  - Year "2018"
    - e.g.: ECDEP.B.2018.pdf
    - e.g.: ECDEP-G-Sample1-2018.jpg
    - e.g.: ECDEP_Application_2018.pdf
    - **Any other naming convention will result in an incomplete application**
  - **NO EXCEL**
  - **ONLY PDFs or JPEGs**

Trouble Spot 3, cont'd

- **Essays**
  - Label each part & question number with question at top of essay as courtesy to reviewer
    - e.g.: [Long form example/numbering]

    III. Planning

    1. Please describe your organization's approach to institutional planning, including the roles of staff and board.

    Your answer here…(max 500 words)
  - **Each question in the Long form is 500 words max**
  - **Short form:** each question is a max of 500 words; **EXCEPT PLANNING. Each question in Planning = 800 words max**
  - **1 FILE** – all essays must be pasted into one document
    - Save and submit as a PDF file

Trouble Spot 4

- **Cash Flow Forecast**
- Predicts when cash arrives
- Predicts when expenses are paid

- **Short Form** or Budgets Under $200,000
  - Present ***2018 FORECAST*** by fiscal quarter
- **Long Form**
  - Present ***2018 FORECAST*** by month

Trouble Spot 5

- **Samples of Recognition**
  - **Attach** PDF or JPEG to application submitted online by deadline
  - **Mail or hand deliver** to Mariely
  - Deadline to mail or deliver Thursday June 8 @ 5pm

Trouble Spot 6

- **Bylaws & Policies**
  - **Required for all applicants**
  - Dated prior to 2014 - invites scrutiny to ensure compliance with NYS Non-profit Law

Trouble Spot 7

- **Independence**
  - Know what this means
  - Report status of all board members
  - Explain reason why a board member is NOT independent
  - **OK** to have non-independent board members
  - **NOT OK** to ignore conflicts (real or perceived)
  - **NOT OK** to be silent in meeting reports about discussion & votes on topics related to non-independent board members or staff

Trouble Spot 8

- **Gender representation on Boards**
- Most problematic at largest organizations or those receiving largest grants from Erie County
- Expect to see improvement

Trouble Spot 8, cont.

Erie County Demographics 2015

- **51.6%** Female
- **48.4%** Male

- **79.9%** White
- **14%** Black or African American
- **5.2%** Hispanic or Latino
- **3.4%** Asian
- **.07%** American Indian
- **1.9%** Other

Trouble Spot 9

- **Recognition for Erie County**
  - Required of all applicants
  - What is your Plan for 2017/18?

G

- Awareness of the investment of County funding to your organization
- Context of County funding in comparison to support from corporations, foundations, donors, other public sources
- Seeing collective response of 63 organizations to County funding has much room for improvement
- Informal survey of corporations & foundations reveals a serious weakness in saying thank you

G - continued

- Plan for 2018 now
- Mindfulness & appreciation cost you nothing but pay rewards & dividends
- Under the guise of sophisticated design - Don't sacrifice your manners & ability to say thank you
- Donors look at your websites
- Easy to find the "Donate" button
- Challenging to find appreciation for donors

G - Exceptional

- In relation to resources of staffing & finances
- Limited to what was available on websites

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Thank you to the **County of Erie, County Executive Mark Poloncarz and the Erie County Legislators** for their generous support.

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Thank you:

El Museo's exhibits and programs are made possible by the generous support from The New York State Council on the Arts and Governor Andrew M. Cuomo with the support of the New York State Legislature, The County of Erie, The City of Buffalo Mayor Byron Brown, The City of Buffalo Common Council, Niagara District Councilman David Rivera, The Collective Buffalo, and supporters like you →

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Albright Knox Home

admission to the Albright-Knox from April 17 to 23.

MORE

Remembering Tony Conrad in *Wish You Were Here*

We remember Tony Conrad with his work in *Wish You Were Here: The Buffalo Avant-garde in the 1970s*.

MORE

March 30, 2016

Celebrating #MuseumWeek with Your Photos of the Albright-Knox's Architecture

In honor of today's theme, #ArchitectureMW, here are some of our favorite photos that visitors have shared of our architecture.

MORE

March 17, 2016

#MuseumWeek 2016 Preview

From March 28 to April 3, the Albright-Knox will join more than 2,800 museums around the world to celebrate #MuseumWeek on Twitter.

and a discussion of her project *Spectral Locus*, which will be installed in Buffalo in late August 2016 as part of the Albright-Knox's Public Art Initiative.

MORE

Tour

Public Tour

Sunday, May 1, 2016, 1:30 pm

Public tours are led by Albright-Knox–trained docents and are free with museum admission.

MORE

Tour

Veterans Connecting through Art

Tuesday, May 3, 2016, 2–4 pm

The Access AK: Veterans Connecting through Art program welcomes veterans to participate in a guided tour of the museum's Collection, followed by a hands-on art experience.

MORE

Special Event

After Hours @ AK: The Art of Still Life Creation

Tuesday, May 3, 2016, 5:30–8 pm

Join Godin-Spaulding Curator & Curator for the Collection Holly E. Hughes to learn about the process of organizing *For the Love of Things: Still Life*. Then explore the exhibition on your own with a scavenger hunt, or try your hand at drawing your own still life at our sketching stations.

MORE

Tour

Art Baby Stroller Tour

Wednesday, May 4, 2016, 10:30 am

FEATURED

Erin Shirreff

January 23–May 8, 2016

For the Love of Things: Still Life

February 27–May 29, 2016

Joan Jonas: Good Night Good Morning

January 16–May 1, 2016

Torey Thornton: Sir Veil

February 27–May 29, 2016

MORE EXHIBITIONS ▶

HOURS: 10 am–5 pm

TOURS

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NEWSLETTER

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Thank you to the County of Erie

Albright Knox – About

OUR COLLECTION

Since its inception as The Buffalo Fine Arts Academy in 1862, the museum has been dedicated to acquiring, exhibiting, and preserving modern and contemporary art, with a particular emphasis on the collection, presentation, and interpretation of the artistic expressions of our times. Learn More about Our Fine Art Collection

SUPPORTERS

The Albright-Knox Art Gallery's annual operations are supported, in part, by public funds from the County of Erie and the New York State Council on the Arts with the support of Governor Andrew M. Cuomo and the New York State Legislature, and by the generosity of our Members.

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- You perform stories about the human condition
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- What you want is well said – reciprocity is missing

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Questions?

Thank you for attending the briefing!

Arts Services Initiative

• • •

Tod Kniazuk