

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME AND PHONE NUMBR:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Approve a Resolution to Establish the Local Filmmakers Program and Adopt Program Guidelines

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

During the FY2018 budget process, Council directed MCAD to create a program to incubate local filmmaking and allocated \$30,000 for the program. MCAD staff has examined its own Council-approved guidelines in other funding programs, best practices from the field and assessed feedback from local film community and stakeholders to develop program guidelines. Guidelines have been approved by City Attorney and unanimously approved by the Museums & Cultural Affairs Advisory Board (MCAAB).

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Council approved program funding in the FY2018 budget process. MCAD was authorized to grant funding to local cultural practitioners by Ordinance 16196 on November, 1, 2005 through the Cultural Funding Program (through this MCAD manages five granting programs annually).

MCAD's Cultural Funding guidelines were approved by Council on June 9, 2008. Guidelines were updated and approved by Council on:
-March 22, 2011

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

\$30,000 from the General Fund has been put into accounts that MCAD uses from which to grant funding.

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Andy Terrell

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

RESOLUTION

WHEREAS, the City, Through the Museums and Cultural Affairs Department, wishes to establish a Local Filmmakers Program to encourage and promote tourism to the City of El Paso, enhance El Paso's Quality of Life through Recreational, Cultural, and Educational Environments, and Promote the Visual Image of El Paso.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Local Filmmakers Program be established and the Local Filmmakers Program Guidelines attached as Attachment "A" be adopted.

That the City Manager or designee be authorized to execute any contracts and contract amendments to carry out the purpose of the Local Filmmakers Program as adopted herein.

APPROVED this ____ day of _____ 2018.

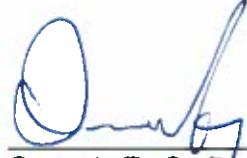
CITY OF EL PASO

Dee Margo, Mayor

ATTEST:

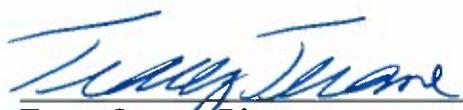
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Omar A. De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:



Tracey Jerome, Director
Museums and Cultural Affairs Department

CITY OF EL PASO MUSEUMS AND CULTURAL AFFAIRS DEPARTMENT (MCAD)

Local Filmmakers Program

Fiscal Year 2018

PROGRAM DESCRIPTION

The Local Filmmakers Program ("LFP") is a competitive, matching funds program designed to support the work of El Paso filmmakers. The LFP will support projects directed by El Paso artists which are ready to move into the production or post-production stages of the filmmaking process. The LFP's goals are to increase development opportunities and support for local filmmakers and highlight El Paso as a filmmaking hub. The LFP is a funding category under the Cultural Funding Program.

AWARD AMOUNT

The LFP will fund eligible film projects up to \$10,000. Minimum awards will begin at \$3,501. A 1:1 cash match is required at the time an application is submitted. Availability of funds are contingent on appropriation of funds by the City of El Paso for purposes of the LFP.

GENERAL ELIGIBILITY

The Local Filmmaker Program (LFP) supports:

- New, original film projects by El Paso filmmakers
- Projects that are in production or in post-production stages
- General operating and project expenditures, including artistic and administrative fees and production or post-production costs

In order to be eligible to apply for this program, applicants must meet the following criteria:

1. Be the director(s) of the film
2. Be a resident the City of El Paso
3. Have at least two years of experience in the filmmaking industry
4. If awarded, funded applicants can only apply every other year for LFP funding

WHAT IS NOT FUNDED

The City of El Paso will not fund the following entities or activities through the Local Filmmakers Project Support Grant:

- Individual artists who are not residents of the City of El Paso
- Applicants that have a delinquent status with the City of El Paso or were unable to comply with the terms of a City Contract within the last two (2) funding cycles
- Students enrolled in a University or College
- Scholarships, awards, cash prizes, tuition expenses, or fellowship/grants to individuals
- College/University or school projects that are part of a course or curriculum, or which do not benefit the general public
- Obscene Material as defined by the Texas Penal Code 43.21
<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.43.htm>

- Underwriting of capital expenditures (including but not limited to the acquisition of buildings, land, permanent equipment, leases or licenses for buildings exceeding the life of the production funded through LFP, or acquiring of artwork that have a life expectancy of more than three (3) years and a monetary value of more than \$500)
- Political contributions or activity, i.e., lobbying
- Projects which do not have a cultural or artistic focus, or whose focus is religious
- Activities covered by restrictions outlined in the City of El Paso contract document
- Previously completed activities, or activities that have occurred prior to the fiscal year
- Activities that occur outside of the El Paso City limits. Any filming or production outside city limits must be funded through other sources.
- Re-granting programs. Applicants may not sub grant any LFP funds
- Payment for studio space for an individual artist
- Cash services or endowments of any kind
- Projects planned primarily for fundraising purposes
- Loans, fines, penalties, cost of litigation or associated interest payments
- Licensing fees of any kind
- Travel fees with the exception of visiting artists
- MCAD employees and MCAD family members who live in the same household as an MCAD employee may not apply for cultural funding
- Former MCAD employees are not eligible to apply for funding until one (1) year after date of separation from the city
- Museums and Cultural Affairs Advisory Board (MCABB) members are not eligible to apply for any cultural funding programs
- Previously funded Cultural Funding Program awardees who forfeited their funding due to failure to meet award requirements are not eligible to apply for the LFP until one (1) year after the date of the award forfeiture

FILM PROJECT PROPOSAL REQUIREMENTS

1. Film Project proposals must be submitted for projects in production or post-production stages
2. All genres of film are eligible to apply for LFP funding
 - a. Exception: Industrial, instructional, or promotional projects for businesses, other artists or works for hire are ineligible to apply
3. Project Proposals submitted for project development funds are not eligible to apply
 - a. Artists seeking funding to support development phases, such a screenwriting, of new film projects may apply for funding through the Artist Incubator Program
4. Applicants must submit a complete application with appropriate work samples which include:
 - a. One page film synopsis
 - b. Completed Script or Storyboard
 - c. Detailed Project Timeline
 - Funded *projects* must be completed within the same City of El Paso's Fiscal Year (September 1 through August 31) as the award contract.
 - For year 1 of the LFP, project timelines will be shortened from June 1, 2018 – August 15, 2018.

- d. Two (2), three (3) minute film samples of previous work, completed within the last three years
 - e. Resume or Curriculum Vitae, 2 page limit
 - f. Letter of Support/Commitment from an individual associated with the project proposal or previous work
 - g. Bank Statement showing availability of 1:1 cash match.
 - h. Detailed project budget
5. Funded projects must comply with all filming regulations within the City of El Paso and acquire all required permits by the beginning of the contract period
 6. Funded applicants must provide MCAD with a copy of the final project's rough cut (for Production proposals) or final film (for post-production proposals) prior to submitting the final invoice and project report

APPLICATION DEADLINES

- All applications must be submitted online at <http://elpasoarts.cgweb.org> by 11:59 pm MST on May 18, 2018
- MCAD Cultural Funding Programs are awarded annually and applicants are required to submit applications for funding on an annual basis
- After the application deadline passes, no further requests for funding will be considered.
- Incomplete applications will not be considered

MANDATORY ORIENTATION SESSIONS

- All applicants must attend a mandatory orientation prior to submitting an application for funding. Applications from applicants that have not completed the mandatory orientation will not be considered.
- MCAD will provide a morning and evening orientation session
- Orientations will be held at the El Paso Museum of History on April 5, 2018 at 9 am and 5:30 pm

EVALUATION AND SCORING CRITERIA

- All project proposals will be reviewed by a panel and are scored on a 100 point system.
- Applicants must score above a 70 in order to be considered for funding

REVIEW PANEL PROCESS

MCAD will convene a review panel to score each application. Reviewers will be selected from within the film community and demonstrate expertise in diverse sectors of the film industry from production to exhibition.

- All applications are subject to the Review Panel Process
- Panel participation is open to people with relevant experience and who are able to volunteer adequate time and energy to the process
- El Paso film community, colleagues within other local and national arts agencies, the public and City personnel may submit nominations for reviewers.

- Potential reviewers may be nominated by submitting a completed Review Panel Nomination Form to MCAD office
- A Nomination can be downloaded from our website (www.elpasotexas.gov/mcad) by clicking on Cultural Funding Program
- MCAD will select the Panel at the end of the nomination period.

Panelists will:

- Score and rank applicants on a 100 point system in accordance with established criteria for the funding program
- Provide a quantitative evaluation of the applications submitted to MCAD
- Comment on the reasonableness of the funding requested in relationship to the proposed project
- Provide knowledgeable guidance to MCAD in working with a given applicant in the future
- All scores are averaged and the applicants are ranked based on their total score [then what?]
- Award notifications include scoring and comments for applicants to review
- Panelists do not make funding decisions. The Panel will score the projects to identify those that will be eligible. The Panelists will also provide feedback on the strengths and weakness of the applications. MCAD will be responsible for making the final selections as to awarded projects and amounts.

EVALUATION CRITERIA

Panelists will evaluate proposals on the following criteria:

Artistic Merit (up to 60 points):

The proposal clearly identifies the creation of new work, detailed description of production process and is supported by work samples that show the professional qualifications or record of artistic achievement by the applicant.

Impact on Local Film Community and Audience (up 25 points)

The proposal has a clear benefit to the local film community and has a clear plan to engage local talent, hire local vendors and market the film to the general public.

Feasibility of the Project and Reasonableness of Proposed Expenses (up to 15 points)

The application is clear and concise and had a detailed and organized timeline with a feasible budget. The proposal demonstrates record of successful completion of film projects of similar scale and scope and the capacity to complete the project.

FUNDING RECCOMENDATIONS

MCAD will receive the scoring and feedback from the Review Panel. MCAD will make its final recommendation to the Museums and Cultural Affairs Advisory Board ("MCAAB"). MCAAB has the final authority to approve the projects that will be funded through the LFP each year. The MCAD recommendation for funding of applicants is based on the following criteria:

- Panel Ranking/Scores

- Quality and Innovation of film project
- Capacity to complete the proposed project
- Compliance at all levels of the funding process with the appropriate procedures
- Diverse geographic and ethnic representation reflected within the pool of awarded projects.
- Availability of funds
- Recommended funding will also be based upon Fiscal Year 2018 appropriation levels approved by the City Council of the City of El Paso
- Contract performance for returning applicants will be shared with panelists and considered

AWARD PROCESS:

- Applicants who are recommended for funding will be notified by email
 - Declined applications will also be notified by email
 - Scoring, award and contract inquiries will only be discussed with parties represented on the application
- All successful applicants must accept or decline the award via email by June 28, 2018. Applicants must sign a Contract with the City no later than July 12, 2018, in order to receive the awarded funding. Failure to execute a contract with the City will result in the award being retracted and possibly reallocated for other applications or purposes at the discretion of MCAD.
- Any changes to the scope of work must be submitted and approved by MCAD before the services are implemented
 - Award recipients will have five (5) working days from receipt of award letter to revise and submit any changes to the scope of work
 - MCAD must approve the change before proceeding to the contract phase of the application
 - The correct scope of work must be included in the contract, since it describes the type of service that is going to be delivered

At the time of contract execution, ALL funded applicants will be required to:

- Confirm compliance with several local ordinances and state and federal statutes/regulations which will be indicated in the contract document
- Acquire all necessary permits and permissions to film within the City of El Paso
- Ensure that the film is not fostering, encouraging, promoting or funding any project, production, workshop and/or program that includes obscene material as defined in Section 43.21, Penal Code of Texas
- Maintain auditable financial records reflecting generally accepted accounting standards related to its overall activities, submit itemized reports or expenditures as required by established City procedures and submit timely reports reflecting the progress made in achieving its approved goals and objectives
- Must provide proof of insurance as required by the City's Risk Manager prior to the implementation of the project which includes the City of El Paso as an additional insurer
 - Whenever a policy expires and is renewed, a new copy must be submitted to MCAD.
 - Funds cannot be disbursed without proof of insurance.

APPEAL PROCESS

An applicant individual and/or organization considered for funding by the City of El Paso, may contact the MCAD staff for an explanation of the level of funding awarded, or to find out why a proposal was declined.

Applicant individuals and/or organizations considering an appeal must first discuss the outcome of the panel process with the MCAD Cultural Funding Coordinator.

An applicant may submit an appeal in writing to the MCAD Cultural Development Coordinator regarding the funding recommendation only if he/she can demonstrate that:

- MCAD failed to follow published application and review procedures
- Influence was placed on a review panel member with an undisclosed conflict of interest
- Grant application system error (documented by MCAD or applicant) prevented review of the full application review.
 - User error or failure to properly utilize the grant system does not qualify for grounds of appeal
 - Undocumented claims of grant application system error or malfunction will not be addressed.

If the application meets the grounds for reconsideration, the request for appeal must set forth the reason(s) why the applicant believes reconsideration is appropriate. A formal, written intent of appeal letter must be sent to MCAD within ten (10) business days from the date of the funding notification letter.

CONFERENCE

Following the receipt and review of the intent of appeal letter the MCAD Cultural Funding Coordinator will forward the application to the Assistant Director of MCAD who will hear the appeal and make a decision. The Assistant Director of MCAD will schedule a conference with the applicant. The purpose of this conference will be to review and discuss the recommendations made by the review panel, and to allow the applicant to express his/her belief of how the process was tainted and/or violated. Based on the findings of this conference, a report/response document will be developed by the Assistant Director of MCAD identifying the findings, and will be provided to the appellant within ten (10) business days. The decision of the Assistant Director of MCAD is final.

CANCELLATION OF CONTRACT

Individual filmmakers that fail to provide contractual services or meet program eligibility and reporting requirements will be considered to be in breach of their contract. Failure of an individual artist to satisfactorily address the current contract will result in a recommendation of no funding or a reduction in funding for the next fiscal year. The City will maintain a list of all artists and organizations that have breached contract requirements.

AMERICANS WITH DISABILITIES ACT (ADA)

At the time of contract execution, successful grant applicants will be required to submit specific ADA-related documents to confirm compliance with several local ordinances and state and federal statutes/regulations.

AUDITING

The Contractor shall keep complete and accurate books and records indicating when, how, by whom, and for what purposes the funds received under the Contract are spent by the Contractor, and the Contractor shall make such books and records available to the City for examination upon request.

All Funds disbursed under this Contract shall be handled by the Contractor in accordance with the standards of the American Institute of Certified Public Accountants, which include provisions for sound fiscal practices and fiscal reporting. In addition, the Contractor shall furnish the City at its request with balance sheets and statements of operation, which accurately account for expenditure of Contract funds, and a written narrative report reflecting the same.

The City reserves the right to audit the books and records of the Contractor, upon reasonable notice to the Contractor and during regular working hours, in order to ensure fiscal and programmatic compliance with the assurances in this contract.

Should any serious discrepancy appear in such reports or statements, the City shall notify the Contractor. If such discrepancy is not rectified to the satisfaction of the City within thirty (30) days, the City may withhold all or part of the funds from the contractor or an expenditure of Contract funds for a purpose which is not authorized by this Contract. Should the City determine that any provision of this Contract has been violated, the City may terminate this Contract immediately? Written notice of termination will be sent to the Contractor.

CONTACT

For more information or questions regarding these guidelines please contact the Museums and Cultural Affairs Department:

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Cultural Development Coordinator
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