

CHAPTER 8
CULTURAL LEADERSHIP PARTNERS (CLP) PROGRAM

221—8.1(303) Purpose. The cultural leadership partners program provides multiyear, general operating budgetary support to major arts and cultural organizations which demonstrate an exemplary record of cultural and managerial excellence and community service on a continuing basis to the citizens of Iowa.

221—8.2(303) Definitions. As used in these rules, unless the context otherwise requires:

“*Application*” means a formal request on prescribed forms for funds available through this program.

“*Arts organization*” means an eligible organization whose primary mission, purpose, and services are centered in the arts.

“*CLP*” means the cultural leadership partners program.

“*CLP coordinator*” means the department staff member assigned as the primary contact person for the CLP program.

“*Cultural organization*” means an eligible organization with a primary mission and purpose that is cultural in nature; the cultural organization must operate as a museum, botanical center, zoo, or center for the performing arts.

“*Department*” means the department of cultural affairs.

“*Director*” means the director of the department of cultural affairs.

“*Eligible organization*” means an Iowa arts or cultural organization that meets the criteria for eligibility described in published guidelines. “Eligible organization” shall not include an organization that uses a fiscal agent or the Iowa nonprofit or federal tax-exempt status of another organization; an organization that receives general operating support through other programs administered by the department of cultural affairs or its divisions; a for-profit corporation or business, religious organization, political party, or national service/professional organization; an agency, department or division of county, state or federal government, including libraries, parks, and recreation departments; an auditorium, convention center or similar venue; or an educational institution, organization or PK-12 school, whose primary orientation, mission and purpose are education and the awarding of academic credits.

“*End-of-year report*” means a report submitted to the department following the end of a partner organization’s operating year, detailing financial, operational, and programming data of the partner organization.

“*Evaluation team*” means a team of up to four individuals appointed by the director who have knowledge and expertise relevant to the arts or cultural applicant organization being evaluated for acceptance into the CLP program.

“*Matching funds*” means nonstate and nonfederal funds equal to or in excess of the grant award.

“*Partner organization*” means any eligible applicant that has been accepted by the director into the cultural leadership partners program.

221—8.3(303) Eligibility. Eligibility requirements are according to published program guidelines. Eligible organizations must meet all eligibility requirements of this program for the applicant’s three previous operating years prior to the application deadline. Organizations receiving funding through this program must continue to meet all eligibility requirements annually to continue to receive funding.

221—8.4(303) Application procedure.

8.4(1) Procedure. All applications shall be submitted on official application forms available from the department of cultural affairs. Procedures for review of applications are according to published guidelines.

8.4(2) Application deadline. Applications will be accepted from eligible organizations every three years according to published guidelines.

221—8.5(303) Matching funds. Eligible organizations whose cash operating budgets include nonstate and nonfederal funds equal to or in excess of the grant award shall be determined to have met the matching

requirements for this program. Grant funds from the department or its divisions shall not be used as matching funds for this program.

221—8.6(303) Evaluation team. The director shall appoint an evaluation team of up to four individuals to review each eligible organization's application and recommend approval for funding under the guidelines of this program. The members of the evaluation team shall serve until the review process for the applicant organization is completed. The evaluation team shall consist of representatives with knowledge and expertise pertinent to the types of organizations eligible for the cultural leadership partners program. The committee evaluation team shall be comprised of members who are not employed by an applicant and who do not serve on a board, council, or commission of an applicant, with or without compensation.

221—8.7(303) Application review and selection.

8.7(1) Procedure.

a. Each application shall be screened by the CLP coordinator for eligibility and completeness. Incomplete or ineligible applications or applications received after the deadline shall not be considered for funding.

b. The evaluation team shall evaluate all applications eligible for consideration and make recommendations for funding to the director.

c. Final decisions, certification of grant awards, and acceptance into the CLP program shall be determined by the director.

8.7(2) Review criteria. Review criteria shall be according to the department's published guidelines and shall include the following at a minimum:

- a.* Programmatic excellence, leadership and cultural impact;
- b.* Sound fiscal and managerial practices and administrative stability; and
- c.* Community outreach and involvement.

221—8.8(303) Grant administration.

8.8(1) Contracts.

a. Upon certification by the director that an applicant organization is approved to become a CLP partner, the department shall enter into a contract with the organization. The contract shall state the dates, terms, and conditions of the grant award, as well as the amount of the award. When allocating awards to cultural leadership partners, the director shall first ensure that funds are available to meet obligations to existing partners before entering into any contracts with new partner organizations.

b. All contracts shall be approved by the director and the legally responsible officer of the partner organization.

8.8(2) Payments. Payments of the grant award shall be made upon the receipt by the department of a signed contract from the partner organization.

8.8(3) Record-keeping and retention requirements.

a. Financial records, supporting documents, and all other records pertinent to the program shall be retained by the partner organization for three years beyond the grant period.

b. Representatives of the department and the state auditor's office shall have access to all books, documents, account information, or other property belonging to or in use by the partner organization pertaining to the receipt of funds under this program.

8.8(4) Audits. The recipient of any grant of \$25,000 or more in any single grant cycle shall have conducted an on-site financial compliance audit. This audit shall not be an eligible grant expense.

8.8(5) Reporting requirements. The partner organization shall provide an end-of-year report of the use of CLP funds which shall be submitted according to a schedule as outlined in the contract.

8.8(6) Finding of noncompliance. The department may, for cause, find that a partner organization is not in compliance with the requirements of this program or the terms of the contract. At the department's discretion, remedies for noncompliance may include suspension or return of grant funds. Reasons for a finding of noncompliance may include, but are not limited to:

- a.* The partner organization's use of funds for activities not permitted under the guidelines of this program;
- b.* Failure of the partner organization to return the signed contract in a timely manner;
- c.* Failure of the partner organization to comply with any applicable state or federal rules, regulations, or laws; or
- d.* A violation of the terms of the contract.

221—8.9(303) Informal appeals.

8.9(1) Eligible applicants or partner organizations may informally appeal a decision of the department not to grant CLP funds on any of the following bases:

- a.* Action was outside of the statutory authority;
- b.* Decision was influenced by a conflict of interest;
- c.* Action violated state law, administrative rules, or policy;
- d.* Insufficient public notice was given; and
- e.* Alteration of the review and certification processes was detrimental to the applicant.

8.9(2) Informal appeals in writing may be directed to the director within 15 days of the final certification of the incident. All informal appeals shall be directed to the Director, Department of Cultural Affairs, 600 E. Locust Street, Des Moines, Iowa 50319.

8.9(3) All informal appeals shall contain:

- a.* Facts of the case;
- b.* Argument in favor of the appeal; and
- c.* Remedy sought.

8.9(4) The director shall consider and rule on the informal appeal after receiving all documentation from the appellant and shall notify the appellant in writing of the decision within 30 days. Decisions by the director may be appealed through the contested case process as set out in Iowa Code sections 17A.10 to 17A.19.

These rules are intended to implement Iowa Code sections 303.3(2) and 303.3(3).

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