

Memorandum



Date: March 15, 2022

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

Agenda Item No. 3(B)(1)

From: Daniella Levine Cava
Mayor

Resolution No. R-246-22

Subject: Resolution Retroactively Authorizing the County Mayor or the County Mayor’s Designee to Apply for and Receive Funds from the National Endowment for the Arts American Rescue Plan Grants to Local Arts Agencies for Subgranting Program in the Amount of \$500,000.00 and to Execute all Necessary Agreements and Authorizing the Miami-Dade County Cultural Affairs Council to Expend the Funds for Resulting Awards to Miami-Dade County Artists

Recommendation

It is recommended that the Board of County Commissioners (Board) (1) retroactively authorize the County Mayor or the County Mayor’s designee to apply for and receive a grant in the amount of \$500,000.00 from the National Endowment for the Arts (NEA) American Rescue Plan Grants to Local Arts Agencies for Subgranting Program and to execute all necessary agreements, (2) authorize the Miami-Dade County Cultural Affairs Council (Council) to oversee a competitive grant review process and to authorize awards to Miami-Dade County artists; and (3) authorize the County Mayor or Mayor’s designee to execute grant agreements and exercise all provisions thereof with respect to the awarded grants to artists.

Scope

The impact of this agenda item is countywide.

Fiscal Impact/Funding Source

This item will have a positive fiscal impact on the County of \$500,000 as the National Endowment for the Arts American Rescue Plan Grants to Local Arts Agencies for Subgranting Program does not require matching funds. The grant funding will be used to support projects by professional artists in Miami-Dade County.

Delegation of Authority

The County Mayor or Mayor’s designee is delegated the authority to execute the NEA grant agreement and to take all actions to comply with the requirements of the NEA grant agreement and the purpose for which the funds were granted to the County. The Council is delegated the authority to oversee a competitive grant review process and to authorize awards to Miami-Dade County artists.

Track Record/Monitor

Michael Spring, Director of the Miami-Dade County Department of Cultural Affairs (Department), is responsible for monitoring the NEA grant and the resulting agreements with artists. The Council has a track record of successfully implementing programs in support of artists, most recently through the Coronavirus Aid, Relief, and Economic Security Act

(CARES Act) federal funding allocated by the Board in 2020 for the Miami-Dade Artists Support! program.

Background

The Department of Cultural Affairs has a strong track record of supporting outstanding artists with a unique Miami voice, reflective of the multicultural community, recognizing that Miami-Dade County artists are the foundation of a diverse and vibrant cultural life. The COVID-19 pandemic had a devastating effect on the cultural community, especially impacting artists whose livelihoods depended on such public activities as producing performances, presentations, exhibitions, workshops, and research and/or teaching.

The Department conducted a six-month survey in 2020 demonstrating a \$112 million financial impact of COVID-19 on the arts community with 18,154 jobs affected. In response, the Board authorized \$10 million in CARES Act funds to create a relief grants program for 280 arts groups and 856 artists. In 2021, the National Endowment for the Arts launched a grant program with American Rescue Plan funding that was open for applications from local arts agencies to create subgranting programs that could include initiatives to help address the effect of the pandemic on jobs for artists. With the support of the NEA, the Department can continue to assist artists by supporting projects that can help lead the way with the overall pandemic recovery and help restart the economy.

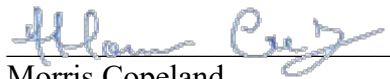
The NEA grant funds are to be used for launching the Miami Individual Artists (MIA) Stipend Program, a subgranting program that provides artistic fees to artists of all disciplines to produce performances, presentations, exhibitions, workshops, research and/or the creation of artwork. In recognition of the contributions of Miami-Dade’s outstanding artists to the fundamental vitality and creativity of the cultural community, MIA will strongly encourage applications from professional artists of the highest caliber, with a recognized body of original artwork, who are deeply rooted in Miami-Dade County’s diverse cultural life.

The Department’s MIA program will be open and broadly promoted to Miami-Dade County based professional artists of all disciplines, backgrounds, and geographic areas of the County, including artists of color and artists working in under-resourced areas. Applications will be available online through Submittable, a competitive application platform that is easy to access and familiar to artists. A qualitative review by artistic discipline will be conducted by a diverse panel of arts professionals, managed by Department staff and reviewed and approved by the Council. Stipend awards of up to \$5,000 will be made to each artist based on the competitive evaluation of their qualifications and projects. No administrative expenses will be covered by this grant; 100% of the subgrant funds will go to artists.

To expedite payment of stipends to selected artists, it is recommended that the Board delegate the authority to make artist awards to the Council. This is consistent with the delegated authority that the Board provided to the Department and the Council for the allocation of the \$10 million of CARES Act funding that was successfully awarded to cultural organizations and artists.

Attachment – Grant Agreement

Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners
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Morris Copeland
Chief Community Services Officer

OFFICIAL NOTICE OF ACTION

National Endowment for the Arts

Action Taken: Award

Date of Action: 1/5/2022

Award Date: 1/5/2022

FEDERAL AWARD INFORMATION

Federal Award ID Number (FAIN)	1896548-66-22
Award Recipient	Miami-Dade County Department of Cultural Affairs
Award Recipient DUNS	787404664
Award Recipient Unique Entity Identifier	DCYBMN18FNB3
Period of Performance	12/1/2021 - 9/30/2023
Budget Period	12/1/2021 - 9/30/2023
Assistance Listing Number/Title	45.024 Promotion of the Arts Grants to Organizations and Individuals
Does the award support Research & Development?	No
Award Description	Purpose: To support subgranting to the nonprofit arts sector in response to and recovery from the COVID-19 pandemic.
Grant Program and Office	American Rescue Plan (ARP) Grants to LAAs for Subgranting, American Rescue Plan

AWARD AMOUNTS

Amount of Federal Funds Obligated by this Action	\$500,000.00
Total Amount of Federal Funds Obligated	\$500,000.00
Total Amount of the Federal Award	\$500,000.00

RECIPIENT CONTACTS

Role	Name
Authorizing Official	Mrs. Marialaura Leslie (User Name - MLeslie) ML8@miamidade.gov
Grant Administrator	Ms. Katherine Revell (User Name - KRevell) Katherine.Revell@miamidade.gov
Project Director	Mr. Michael D Spring (User Name - MSpring) MS4@miamidade.gov

REMARKS

AMERICAN RESCUE PLAN GRANTS TO LOCAL ARTS AGENCIES FOR SUBGRANTING

1. COST SHARE: It is understood that this award is being made on a nonmatching basis. No cost share is required.

2. The National Endowment for the Arts provides this award support pursuant to **20 USC §954-955 and Public Law No: 117-2, Part 2 Section 2021.**

3. ACCEPTANCE OF AWARD: Submission of a Payment Request constitutes your agreement to comply with all the terms and conditions of the award and indicates your acceptance of this award.

4. GENERAL TERMS AND CONDITIONS: This award is subject to the *General Terms and Conditions for Grants and Cooperative Agreements to Organizations* (GTCs), which outline the administrative requirements that apply to your award and your obligations as a recipient.

You are responsible for reviewing these GTCs; failure to comply may result in the disallowance of project expenditures and/or the reduction or withdrawal of National Endowment for the Arts support for your project.

The administration of this award and the expenditure of award funds are subject to any specific terms and conditions of this award, which may be attached as additional pages of the award notification, the Terms and Conditions/Important Information, and the GTCs (as noted above).

The GTCs implements Title 2 of the Code of Federal Regulations (2 CFR) including Subtitle A-Office of Management and Budget Guidance for Grants and Agreements and Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance, or Part 200), as revised August 13, 2020.

5. HOW TO MANAGE YOUR AWARD AND eGMS REACH HANDBOOK: The *How to Manage Your National Endowment for the Arts Award and eGMS REACH Handbook* is a companion piece to the GTCs. It includes information about reporting requirements, requesting payment, changes to your project, and other important information.

OFFICIAL NOTICE OF ACTION

National Endowment for the Arts

6. All material can be found on our website at <https://www.arts.gov/grants/manage-your-award/awards-after-oct1-2017-to-organizations>.

7. SPECIFIC TERMS: This award includes specific terms you must follow. They are listed on the Terms and Conditions file and as separate documents on the Documents Tab in REACH. They include the following,

- Your grant involves subgranting and is subject to the additional terms and conditions which apply to subgranting. See the Specific Terms and Conditions for the American Rescue Plan Grants to Local Arts Agencies included on the Documents Tab in REACH.
- You must also comply with the Federal Funding Accountability and Transparency Act (FFATA or Transparency Act - P.L. 109-282, as amended by section 6202(a) of P.L. 110-252).

8. CONTACT INFORMATION: Email grants@arts.gov. Phone (202) 682-5403.

AWARDING OFFICIAL



Brenna Berger
Grants Officer (Director)

NATIONAL ENDOWMENT FOR THE ARTS - IMPORTANT INFORMATION for the AMERICAN RESCUE PLAN GRANTS TO LOCAL ARTS AGENCIES FOR SUBGRANTING

Recipient: Miami-Dade County Department of Cultural Affairs

Federal Award ID Number (FAIN):1896548-66-22

Period of Performance: December 1, 2021 to September 30, 2023

Purpose: To support subgranting to the nonprofit arts sector in response to and recovery from the COVID-19 pandemic.

GENERAL TERMS AND CONDITIONS

This award is subject to the *General Terms and Conditions for Grants and Cooperative Agreements to Organizations* (GTCs), which outline the administrative requirements that apply to your award and your obligations as a recipient.

You are responsible for reviewing these GTCs; failure to comply may result in the disallowance of project expenditures and/or the reduction or withdrawal of National Endowment for the Arts' support for your project.

The administration of this award and the expenditure of award funds are subject to any specific terms and conditions of this award, which may be attached as additional pages of the award notification, the Terms and Conditions/Important Information, as noted below, and the GTCs.

The GTCs implements Title 2 of the Code of Federal Regulations (2 CFR) including Subtitle A-Office of Management and Budget Guidance for Grants and Agreements and Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance, or Part 200), as revised August 13, 2020.

HOW TO MANAGE YOUR AWARD AND NATIONAL ENDOWMENT FOR THE ARTS eGMS REACH HANDBOOK

The *How to Manage Your National Endowment for the Arts Award and eGMS REACH Handbook* is a companion piece to the GTCs.

It includes information about reporting requirements, requesting payment, changes to your project, and other important information.

All materials and instructions for managing your award can be found on our website at <https://www.arts.gov/grants/manage-your-award/awards-after-oct1-2017-to-organizations>.

SPECIFIC TERMS

This award includes specific terms you must follow.

- Your grant involves subgranting and is subject to the additional terms and conditions which apply to subgranting. See the *Specific Terms and Conditions for the American Rescue Plan Grants to Local Arts Agencies* included on the Documents Tab in REACH.
- You must also comply with the Federal Funding Accountability and Transparency Act (FFATA or Transparency Act - P.L. 109-282, as amended by section 6202(a) of P.L. 110-252). See the *FFATA FAQs* at <https://www.arts.gov/grants/manage-your-award/awards-after-oct1-2017-to-organizations>.

COST SHARE

It is understood that this award is being made on a nonmatching basis (no cost share is required).

--Total Amount of Federal Award: \$500,000.00

--Total Approved Cost Share as Required by 20 USC 954(e): \$0.00

--Total Amount of the Federal Project including Approved Cost Share: \$500,000.00

BUDGET AND OTHER NOTES

The project budget is approved.

The approved project budget is derived from your application, revised budget, and/or other communication. All costs must be incurred within the period of performance listed on your award Notice of Action. It is understood that the approved budget reflects estimated expenditures and that actual, allowable expenditures will be reported on all financial reports.

Unallowable costs that have been removed from your budget cannot be supported with Federal funds and should not be included on any future reports for this award.

Proper documentation must be maintained for all costs in the budget, including all salaries charged, in whole or in part, to this award (per 2 CFR §200.302, .334, .430(i)).

The budget cannot include overlapping project costs with any other direct Federal grant including awards made directly by the National Endowment for the Arts or another Federal Agency (e.g., NEH, HUD, SBA, etc.) per 2 CFR §200.306 and Arts Endowment's Legislation.

All activities supported with Arts Endowment funds must be made accessible to people with disabilities in compliance with Section 504 and the ADA.

NON-DISCRIMINATION POLICIES

As a condition of receipt of Federal financial assistance, you acknowledge and agree to execute your project, and require any contractors, subgrantees, successors, transferees, and assignees to comply with applicable provisions of national laws and policies prohibiting discrimination, including but not limited to:

1.a Title VI of the Civil Rights Act of 1964, as amended, and implemented by the National Endowment for the Arts at 45 USC 1110, provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. Title VI also extends protection to persons with limited English proficiency (42 USC 2000d et seq.)

1.b As clarified by Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary.

1.c Title IX of the Education Amendments of 1972, as amended, provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance (20 USC 1681 et seq.)

1.d The Age Discrimination Act of 1975, as amended, provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance (42 USC 6101 et seq.)

1.e The Americans with Disabilities Act of 1990 (ADA), as amended, prohibits discrimination on the basis of disability in employment (Title I); State and local government services (Title II); and places of public

accommodation and commercial facilities (Title III) (42 USC 12101-12213).

1.f Section 504 of the Rehabilitation Act of 1973, as amended, provides that no otherwise qualified individual with a disability in the United States shall, solely by reason of his/her disability, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance (29 USC 794).

2 CFR 25 AWARD TERM - I. SYSTEM FOR AWARD MANAGEMENT AND UNIVERSAL IDENTIFIER REQUIREMENTS

A. Requirement for System for Award Management

Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain current information in the SAM. This includes information on your immediate and highest level owner and subsidiaries, as well as on all of your predecessors that have been awarded a Federal contract or Federal financial assistance within the last three years, if applicable, until you submit the final financial report required under this Federal award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another Federal award term.

B. Requirement for Unique Entity Identifier

If you are authorized to make subawards under this Federal award, you:

- (1) Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you until the entity has provided its Unique Entity Identifier to you.
- (2) May not make a subaward to an entity unless the entity has provided its Unique Entity Identifier to you. Subrecipients are not required to obtain an active SAM registration, but must obtain a Unique Entity Identifier.

C. Definitions

For purposes of this term:

- (1) System for Award Management (SAM) means the Federal repository into which a recipient must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM internet site (currently at <https://www.sam.gov>).
- (2) Unique Entity Identifier means the identifier assigned by SAM to uniquely identify business entities.
- (3) Entity includes non-Federal entities as defined at 2 CFR 200.1 and also includes all of the following, for purposes of this part: (a) A foreign organization; (b) A foreign public entity; (c) A domestic for-profit organization; and (d) A Federal agency; (e) Subaward has the meaning given in 2 CFR 200.1
- (f) Subrecipient has the meaning given in 2 CFR 200.1



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 15, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 3(B)(1)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 3(B)(1)
3-15-22

RESOLUTION NO. R-246-22

RESOLUTION RETROACTIVELY AUTHORIZING THE COUNTY MAYOR OR MAYOR’S DESIGNEE TO APPLY FOR AND RECEIVE FUNDS FROM THE NATIONAL ENDOWMENT FOR THE ARTS AMERICAN RESCUE PLAN (“NEA”) GRANTS TO LOCAL ARTS AGENCIES FOR SUBGRANTING PROGRAM IN THE AMOUNT OF \$500,000.00 AND TO EXECUTE THE GRANT AGREEMENT AND OTHER DOCUMENTS NECESSARY TO RECEIVE THE FUNDS; AUTHORIZING THE MIAMI-DADE COUNTY CULTURAL AFFAIRS COUNCIL TO OVERSEE A COMPETITIVE GRANT REVIEW PROCESS AND APPROVE RESULTING AWARDS TO MIAMI-DADE COUNTY ARTISTS; AUTHORIZING THE COUNTY MAYOR OR MAYOR’S DESIGNEE TO EXECUTE GRANT AGREEMENTS WITH SELECTED ARTISTS, AND TO EXERCISE ALL PROVISIONS CONTAINED IN THE NEA GRANT AGREEMENT AND ALL GRANT AGREEMENTS WITH SELECTED ARTISTS

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

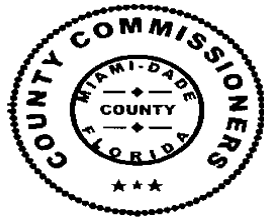
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board retroactively authorizes the County Mayor or Mayor’s designee to: (a) apply for and receive funds from the National Endowment for the Arts American Rescue Plan Grants to Local Arts Agencies for Subgranting Program (“NEA”) in the Amount of \$500,000.00; and (b) execute the NEA grant agreement in substantially the form attached to the Mayor’s memorandum and made a part hereof and any other documents necessary to receive the funds. This Board further authorizes the Miami-

Dade County Cultural Affairs Council to oversee a competitive grant review process and to authorize awards of funds from the NEA grant to Miami-Dade County artists, and authorizes the County Mayor or Mayor’s designee to execute the grant agreements with the selected artists, and to exercise all provisions thereof.

The foregoing resolution was offered by Commissioner **Rebeca Sosa** , who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

	Jose “Pepe” Diaz, Chairman	aye	
	Oliver G. Gilbert, III, Vice-Chairman	aye	
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 15th day of March, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MRP

Monica Rizo Perez