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ACTON-BOXBOROUGH CULTURAL COUNCIL



TO: Acton Board of Selectman
FROM: Barbara Estabrook, Chair, Acton-Boxborough Cultural Council
DATE: October 24, 2008
RE: Interest Exemption for Cultural Council member

Attached please find a disclosure form from Cultural Council member Rachel Lucas that needs to be reviewed by the Acton Board of Selectman. According to Mass Cultural Council guidelines, if a member of the local Cultural Council (or an immediate family member) has a direct financial interest in a grant application, the local governing body must review the disclosure and give the member an Interest Exemption.

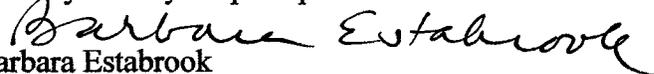
The Council received a grant application this year from the Acton Recreation Department for a "World Drum Night" at Nara Park, and Ms. Lucas' husband is one of the artists who is scheduled to perform at this event. Ms. Lucas is not a party to the application. If the Interest Exemption is approved by the BOS, it would allow the Council to consider this application on its merits but Ms. Lucas would be required to leave the room during discussion and she would not vote on the matter.

I've attached the following documentation:

1. Ms. Lucas' Member Disclosure Form – *the Clerk or Secretary of the BOS must sign the Interest Exemption section if approved by the BOS.*
2. The Mass Cultural Council's Guidelines for Interest Exemptions
3. A copy of Acton Recreation Department's grant application.

The Cultural Council will be making our grant decisions beginning on Thursday, November 6th; we request an Interest Exemption prior to this date.

Thank you for your prompt consideration.


Barbara Estabrook

Co-Chair

ABCC

~~978-263-1540~~ 978 635 0685

barbara.estabrook@gmail.com

LOCAL CULTURAL COUNCIL MEMBER DISCLOSURE FORM

This form must be filled out *prior* to local decision-making meetings by each member who has a conflict of interest with any application.

1. Local Cultural Council (LCC) Name Acton-Boxborough Cultural Council

2. LCC Member Name Rachel Lucas

3. Address 66 Alcott Street, Acton, MA 01720

4. Name of appointing official Andy Magee, Acton BOS

5. Applications involved (*Please give applicant names and the nature of the relationship between the LCC member and the applicant.*)

APPLICANT NAME & MEMBER RELATIONSHIP	REQUEST AMOUNT
"World Drum Night" Acton Recreation; Steel Band is husband's band	\$250

6. Will you (or an immediate family member) receive money if this grant is awarded, either as an artist or as an employee of the applicant organization? YES NO *(Please check one.)*

➤ If you answered "yes" to the above question, section "A" below must be completed.

Rachel Lucas 10-24-08
SIGNATURE OF LCC MEMBER DATE

Barbara B Estabrook 10-25-08
SIGNATURE OF LCC CHAIR DATE

A. INTEREST EXEMPTION

As clerk of the local legislative body, I certify that a disclosed interest in the above matter has been duly exempted by the local legislative body.

SIGNATURE OF TOWN/CITY CLERK DATE

B. WAIVER

I have reviewed the matter described above and have determined that the interest disclosed is not so substantial as to be deemed likely to affect the integrity of services expected from the above council member.

SIGNATURE OF LOCAL APPOINTING OFFICIAL DATE

Appendices

Appendix A - Open Meeting Requirements

Under Massachusetts law, meetings of a local “government body,” including an LCC, must be open to the public (M.G.L.c.39, ss23A, 23B, and 23C). Because violation of the Open Meeting Law can result in the invalidation of the action taken, the following summary is designed to help a local cultural council comply with the Open Meeting Law.

Except in an emergency, a notice of any meeting of a local cultural council must be filed with the city or town clerk at least 48 hours prior to the meeting, including Saturdays, but not Sundays and legal holidays.

The LCC must maintain accurate records of its meetings, setting forth the date, time, place, members present or absent, and actions taken at each meeting. These shall become public records except as otherwise provided by law.

Meetings may be recorded on audio or video tape.

No person may address a public meeting of an LCC without permission of the presiding council member, and all persons shall, at the request of the presiding officer, be silent.

Appendix B - Conflict of Interest Requirements

A. Background and General Information

Members of LCCs must avoid real and apparent conflicts between their private interests and public council duties. The MCC recognizes that if the objectives of the Local Cultural Council Program are to be accomplished, then each local cultural council needs to be well-informed about cultural activity in the community it serves. In some cases, this will mean that individual council members may themselves be artists or have links to cultural organizations that are potential grant recipients. Members are considered “special municipal employees” and are subject to the provisions of the Massachusetts Conflict of Interest Law (M.G.L. 268A).

Each LCC may make its own rules regarding funding council members. Nevertheless, the process of funding decisions must be uniform and follow the overriding principles of the Conflict of Interest Law. This insures that public confidence in the integrity of the local cultural council process can be maintained.

The following discussion is designed to aid members of LCCs in their efforts to comply with the Conflict of Interest Law. It does not, however, supersede the law. Each council is urged to obtain a copy of the statute and the *Guide to the Conflict of Interest Law* published by the State Ethics Commission, Room 619, One Ashburton Place, Boston, MA 02108; or call 617-727-0060.

The areas where members are most likely to have questions involve financial conflicts of interest while acting in an official capacity and limitations on certain activities. The Conflict of Interest Law can be divided into categories, which may be helpful to LCCs:

1. Civil Penalties. First, there are standards of conduct that carry a civil penalty. These standards provide that no public employee (including a member of a local cultural council) can:

- ▶ Accept employment impairing his/her independent judgment;
- ▶ Disclose confidential information gained through a position on the council;
- ▶ Use the position to gain favored treatment;
- ▶ Give the impression that s/he can be influenced to give favored treatment.

Local council members should recognize that provisions relating to disclosure or use of confidential information apply even after they leave the council.

An example of a violation would occur if a local council member used his/her influence to extend an application deadline to accommodate a friend, without extending the same consideration to other applicants. Such actions could easily call into question the member's impartiality in the performance of LCC duties.

2. Criminal Penalties. In addition, other sections of the statute impose criminal penalties for certain conduct. Local council members are prohibited from performing official acts in return for money (e.g., bribes or gratuities).

B. Regranting Duties Safeguards

In general, a member of an LCC must not act in an official capacity in matters in which the member has a personal financial stake, or in matters affecting the financial interests of others who are closely related to the member.

A member of an LCC may not participate in a matter in which the following people or entities have a financial interest:

- ▶ The member himself/herself;
- ▶ The member's immediate family, which is defined as the member's spouse, parents, children or brothers and sisters;
- ▶ The member's business partner (even in a totally unrelated venture or activity);
- ▶ A business organization for which the member serves as an officer, director, trustee, partner or employee (including municipal organizations other than the council and non-profit organizations, including cultural organizations);
- ▶ Any person or organization with whom a member is negotiating or has any arrangement concerning prospective employment;
- ▶ Any person or organization with which the member or his/her organization is in direct competition for funds.

Participation by a member includes involvement not only in a final decision but also in any steps leading to the final decision. As soon as a member becomes aware of a conflict of interest, it should be disclosed. That application should not be discussed with other members and the member should leave the room when the application is discussed or voted on.

If the member has a conflict of interest with any application, that member must complete and sign a Conflict of Interest Disclosure Form before any voting takes place. Any and all conflicts should be noted in detail on the form, which is sent to local cultural council chairs each year with their allocation notification.

It may occur that a local cultural council has more than one member who is disqualified from participating on a particular application. If such disqualification reduces the number of members who can participate below a quorum (a majority of the local cultural council), then less than a quorum may act on the matter, provided it is no less than one-third of the LCC.

If less than one-third of the local cultural council's membership can vote or if the entire LCC is for some reason disqualified, then the local council must forward the application(s) to the MCC. If the MCC deems it appropriate, it may act in place of the LCC on such matters. If not, the MCC will authorize one or more of the disqualified members to participate so that a valid vote can be taken.



C. Interest Exemptions

Additionally, the member may be obliged to obtain an "interest exemption" from the local legislative body (e.g., board of selectmen or city council). The interest exemption is required when the LCC member or an immediate family member has a direct financial interest in an award that is significant enough that even non-participation cannot solve it. For example: the LCC member or a family member is an artist applying for funds; the LCC member or an immediate family member is employed by an applicant organization who intends to use LCC funds as compensation; or the local council member has a contract with an applicant organization.

The process for a member to obtain an interest exemption is as follows:

PRIOR TO THE DECISION-MAKING MEETING:

- ▶ The member must fill out the first section of the disclosure form;
- ▶ This information must be given to the local legislative body;
- ▶ The selectmen/city council must then vote to exempt the LCC member;
- ▶ The interest exemption must be signed by the town/city clerk.

Only then may an LCC review that application. As explained above, the member must leave the room during the discussion and may not vote on the matter. This is to allow the other members of the local council full freedom to discuss the merits of the application. If voting has already occurred, the interested member must go through the above procedure, and then the LCC must re-vote the application.



Revised 6/08

APPLICATION NUMBER (FOR LCC USE ONLY) #908

LCC GRANT APPLICATION

APPLICATION MUST BE TYPED.

- Please type into the form, print, sign and mail it to the appropriate Local Cultural Council. E-mailed applications will not be accepted.
- Before completing this form be sure to check the guidelines of the LCC to which you are applying at www.mass-culture.org/lcc_public.asp.

This application is being submitted to the Acton Boxborough Cultural Council LCC.

APPLICANT INFORMATION

Town of Acton
Applicant's Name

Maura Haberman
Contact Person

472 Main Street
Mailing Address

472 Main Street
Contact Mailing Address

Acton, MA 01720
City/State/Zip

Acton, MA 01720
Contact City/State/Zip

(978) 264-9608 Ext. 0
Applicant Phone/TTY

(978) 264-9608 Ext. 0
Contact Phone Day/Evening

mhaberman@acton-ma.gov
Applicant E-mail Address

mhaberman@acton-ma.gov
Contact E-mail Address

www.acton-ma.gov
Applicant Web Site

PROJECT INFORMATION

Project Title 2009 Free Summer Concert Series at NARA Park Amount Requested from this LCC \$ 1,252

Project Start/End Dates July - August 2009 Approximate Number of People Served 5,000

1. Project Description: Summarize the proposed project in the space provided. Describe who is the target audience; what will happen; when and where it will occur; and how the project will be executed. NOTE: You may provide additional narrative on a separate sheet of paper, but you *must* summarize the project here. Your answer in the space below may not exceed 750 characters.

Proposed: "World Drum Night"

The Town of Acton would like to host a special cultural concert night full of various drum and dance music from an assortment of countries throughout the world as part of the 2009 Free Summer Concert Series at NARA Park. This will be a great opportunity for folks throughout Acton and the Metrowest region to learn about percussion music used in in celebrations throughout various cultures.

The event activities will include: Pan Loco Steel Band, The Sri Lankan Drum Orchestra, and Acton Drum & Dance. The time planned for this event would be from 7:00 PM until 11:00-PM on a Friday evening.

2. Describe the planning process for this project. What individuals and organizations have been involved as partners and/or advisors? How would partial funding impact this project? Your answer in the space below may not exceed 500 characters.

Ms. Haberman, Events Coordinator/Administrative Assistant for the Town of Acton will organize this special event, coordinate with all entertainers, organize production needs and seek additional funding needs as necessary. Volunteer assistance will be sought by ABRHS students.

3. Explain how this project will reach and benefit the citizens of *this* community. How will you know the project is successful? Include promotion, expected results and plans for evaluation. Your answer in the space below may not exceed 500 characters.

Acton and its surrounding towns are rich in diversity. The concerts and special events have been attended in large by a mix of nationalities. At Acton Day 2008, The Sri Lankan Drum Orchestra was extremely well received and it would be a great opportunity to have them for a highlighted cultural event as outlined in this grant opportunity.

4. Describe your plans for promoting this project to your target audience and your community. Include information on planned outreach and publicity activities. Your answer in the space below may not exceed 500 characters.

Ms. Haberman will send press releases out to local papers, community calendar section in local paper, community emails, flyers, promote in Acton Recreation Spring/Summer Program Booklet mailed to over 11,700 homes and businesses, town website, community access television, highway information signboard (pending availability), NARA Park kiosk

5. Please detail the qualifications of key artists, humanists, interpretive scientists or organizations involved with leading the cultural component of this project. Application will be considered incomplete without this information. Please attach resumes. Your answer may not exceed 500 characters.

Please see attached.

BUDGET INFORMATION

Total Project Cost \$ 2,504

Matching Funds* \$ 1,252 Source of Matching Funds Local Business Donations

* Capital expenditures must have a 2:1 match. Check with the local cultural council to see if there are any additional match requirements.

PROJECT EXPENSES

A. Salaries/Fees

1. Artist/Humanist/ Interpretive Scientist \$ 1,500
 2. Administrative \$ _____
 3. Other Grounds Crew OT \$ 400
 TOTAL Section A \$ 1,900

B. Space Rental \$ 0

C. Travel \$ 0

D. Marketing \$ 125

E. Remaining Project Expenses

1. Equipment Rental \$ 0
 2. Project supplies or consumables \$ 0
 3. Printing \$ 436
 4. Shipping/Postage \$ 43
 5. Utilities/Telephone \$ 0
 6. Insurance \$ 0
 7. Other _____ \$ _____
 8. Ensuring Access \$ _____
 TOTAL Section E \$ 479

F. Capital Expenditures \$ _____

G. TOTAL PROJECT EXPENSES*

(Sum of Totals in Sections A - F) \$ 2,504

*NOTE: Total Project Expenses and Total Project Revenue must be equal.

PROJECT INCOME

A. Earned Income \$ 0

B. Non-Government

1. Corporate/Business \$ 1,252
 2. Clubs and Organizations \$ 0
 3. Other _____ \$ 0
 TOTAL Section B \$ 1,252

C. Government

1. Other Local Cultural Councils \$ 0
 (Attach list specifying LCC names and \$)
 2. Other MCC Programs \$ 0

 3. Other (Municipal, School, etc.) \$ 0

TOTAL Section C \$ 0

D. Applicant Cash \$ 0

E. Amount Requested from this LCC \$ 1,252

F. In-Kind Contributions \$ 0

(donated space, materials and/or services)

G. TOTAL PROJECT REVENUE*

(Sum of Totals in Sections A - F) \$ 2,504

Authorized Signature: The signature below is that of the person authorized to testify as to the accuracy of this application and the person who agrees that the required acknowledgment will be given to the Massachusetts Cultural Council and the granting local cultural council, if this application is approved. This person also agrees that reasonable accommodations will be made to insure that people with disabilities have equal physical and communications access, as defined by federal law and as outlined in the MCC's LCC Program Regulations and Guidelines.

Signature [Signature] Title Trust Manager Date 10/9/02

FOR CULTURAL COUNCIL USE ONLY

SUBMITTED BY DEADLINE? Yes No

\$ _____
 Amount Approved Signature of LCC Chair or Authorized LCC Member Title Date