

Local Guidelines

Haverhill Cultural Council

The Haverhill Citizen Center

10 Welcome Street

Haverhill, MA

GRANT GUIDELINES FOR APPLICANTS

Revised February 2014

Haverhill Cultural Council Grant Application Guidelines

Purpose of these Guidelines: The purpose of this document is to provide guidance to applicants as they prepare their submittals to the Haverhill Cultural Council. This document should help to provide applicants with an understanding of the policies and procedures that we must use while re-granting public dollars from the Massachusetts Cultural Council. State regulation can be found at www.massculturalcouncil.org

- Regulations are rules that exist as part of the Massachusetts Code of Regulations (962 CMR 2.00) and changes to them must be filed with the Secretary of State's office.
- These grant guidelines explain additional procedures that the HCC follows to ensure a thoughtful and fair process for distributing public money.
- The Haverhill Cultural Council is made up of volunteers who are appointed by the mayor and are responsible for making decisions on how they will award the money granted to them by the MCC in ways that will serve local cultural needs.

Types of Grants

- There are two types of grants. Field Trip Grants and General Grants. The HCC uses a community input process to assist in determining the local priorities and needs.
- General Grants: The HCC approves grants for projects, programs, ticket subsidy programs, artist residencies, fellowships, capital projects or other activities, based on local priorities and needs.
- Field Trip Grants: HCC also funds cultural field trips for children, grades pre-K through 12, by subsidizing the cost for children to attend programs in the arts, humanities and interpretive sciences (including performances, educational tours and exhibits). Applicants can request funds for field trips for groups of children affiliated with schools (public, non-profit, religious, and home schools), afterschool and out-of-school programs, neighborhood/community centers, or civic organizations. The HCC does not fund transportation for field trips but does fund tickets for students and chaperones. If transportation assistance is needed please refer to the MA Yellow School Bus program.

Application Instructions

- Applicants submit their applications directly to the Haverhill Cultural Council (HCC). Before submitting an application, applicants should read all the HCC guidelines for application instructions. Applications, information about applying, and answers to frequently asked questions can be found at www.massculturalcouncil.org.
- All HCC grants are reimbursement-based. If approved for a grant, the grantee spends their own money on the project. Once the project is complete, the grantee submits

paperwork for reimbursement to the HCC. Approval of reimbursements is subject to valid receipts being submitted for the program as indicated in the approved application. Reimbursements, once approved, may take up to 8 weeks to be received by the grant applicant. Reimbursements are based on valid documentation only, i.e. invoices, receipts, cancelled checks etc..

- Application deadline. All applicants must submit their completed applications by U.S. Mail posted to Haverhill Cultural Council no later than the statewide deadline of October 15. (In years when October 15 falls on a Sunday, the statewide deadline is the Monday immediately following October 15.) Late applications will not be accepted. **It is strongly recommended that you get a receipt for your post in case there are any questions of delivery**
- The applicant will include one original signed application and 21 copies of the application. If supplemental information is being submitted 22 copies of that material should be included in application package.

Eligibility

- Program eligibility. Applicants may apply for grants for programs that take place during an 18 month window of eligibility between July 1, preceding the application deadline in October, and December 31 of the following year. This means that applicants may apply for projects that have already happened or which happen prior to HCCs' grant announcements, with the knowledge that funding is not guaranteed.
- Applicant eligibility. For general grants the program must take place in the City of Haverhill. Applicants must reside or be located in Massachusetts. The applicant, or person leading the project/program, should have been engaged in the kind of activity for which funds are requested for at least one year. All applicants must show that a public benefit results from the project for which they are applying. Applications are accepted from anyone included in the list below.
- Individuals. A public presentation of an individual's work may provide the needed public benefit. Individual members of the HCC may apply for funding from the Haverhill Cultural Council, but must observe all conflict of interest laws and regulations in the granting process.
- Incorporated private nonprofit organizations. Nonprofit preschools, elementary schools, middle schools and high schools are subject to the same criteria and restrictions as public schools.
- Unincorporated associations that can establish a nonprofit objective. A group of individuals coming together with a common purpose (e.g., local community band, theater group) that do not have nonprofit status.
- Public schools, libraries, and other municipal agencies. Municipal agencies are eligible to apply for funding, but are subject to the No Substitution criteria. Capital expenditure requests for public agencies are not eligible.
- Religious organizations. Religious organizations or groups with a religious affiliation are eligible to apply for funding of cultural programming that is available to the general public. Religious schools are also eligible for HCC funding and are subject to the same criteria and restrictions as public schools. The HCC will only approve applications that

are primarily cultural in their intent and do not have the effect of advancing religion. Capital expenditure requests for religious organizations are not eligible.

Criteria: The first four rules listed below will be followed in the review of all funding decisions. All four rules are equally important:

ALL Grant Requests – must meet the following criteria:

- 1. Serve the Arts, Humanities, or Interpretive Sciences and have a Public Benefit Component
- 2. No Substitution
- 3. Non-Discrimination
- 4. Local Venue and/or Local program sponsor – Venue and sponsor may be the same (please note: In some situations the Venue and the program sponsor be the same. The program sponsor may or may not be the same as your financial sponsor)

Criteria for General Grants •

- Date & Place specified and planned / secured ○ The project must have a Haverhill sponsor and/or substantial community support demonstrated in a letter that accompanies the application. ○ The project must be presented/realized in Haverhill and demonstrate tangible benefits to the Haverhill citizens. •
- Budget - Applications will state what other financial support the project will request/obtain to demonstrate that it is not solely dependent on council funding. •
- Demonstration of experience in similar activity - Applications will include resumes of key participants including artists or other project providers, organizational staff and any partner who will help realize the project. •
- Maximum grant request allowed is \$3,000.00 per organization or individual •
- Grants are awarded for the period 6/1/2014 to 12/31/2015. Projects must take place during that time period. •
- Marketing plan in place – must meet at least 3 of the 5 criteria •
- Proposed methods, approaches, and strategies are realistic, reasonable, effective, and outcome-oriented •
- Incorporating / utilizing resources (people, materials, and venue) in a distinct way •
- Promotes community building - Stimulation of the vibrancy of the community, advance organizations/ artists/ creative arts •
- Has the HCC funded this same project in the last 3 years? If the program has been funded by the HCC for 3 or more consecutive years this may adversely affect our scoring process of your grant request. •
- Reimbursement requests cannot exceed or differ from your budgeted line items submitted

HCC funding is not to be used as the sole source of funding for projects. Our goal is to ensure that funding remains broadly available to the widest range of community cultural needs.

Criteria for Field Trip Grants HCC funds cultural field trips for children, grades Pre-K through 12, by subsidizing the cost of admission to attend programs in the arts, humanities and interpretive sciences (including performances, educational tours and exhibits).

- Applicants may be parents, teachers, administrators, PTA/PTOs, neighborhood centers or civic organizations.
- Public, private, and parochial schools are all eligible for funding.
- All grants are strictly reimbursement based.

HCC requires all the following for a field trip grant application to be complete. 1.

- Applicants MUST include date, time, location and name of performance or program to be attended on application. 2.
- Maximum grant request allowed per school is \$1,000. 3.
- Per participant costs to the event or institution will only be reimbursed up to \$12 per participant. 4.
- A school may submit one application for all classes attending a single event. 5.
- A separate application must be submitted for performances or programs to be attended on different dates or venues. 6.
- If a large number of applications are submitted in a given cycle, schools and organizations submitting multiple applications must prioritize their requests in order of desired importance or need.

Applications and Forms The following forms should be used: 1.

- Field Trip Grant Application www.massculturalcouncil.org/applications/passapp.doc . This application should only be used when requesting a grant for a cultural field trip for children, grades pre-K through 12. 2.
- Standard Grant Application www.massculturalcouncil.org/applications/lccapp.doc . This application should be used for all other grant requests. 3.
- Reimbursement Form www.massculturalcouncil.org/contracts/lccreim.pdf

Definitions:

Arts, Humanities, and Interpretive Sciences. Local council funds may only be used to support programs in the arts, humanities, and interpretive sciences in Massachusetts. This definition includes the study, pursuit, performance, exhibition, and appreciation of cultural activities in the broadest sense. •

- Arts refer to the creation of work in the crafts and performing, visual, media, folk, design, literary, and inter-disciplinary arts. In addition, they

also include the presentation and preservation of, and education about works in these disciplines. •

- Humanities are types of learning that deal with human values and aspirations, human thought and culture, language, and creativity. Examples include, but are not limited to, history, social studies, philosophy, criticism, and literature. •
- Interpretive sciences are types of learning that deal with nature, science, and technology in ways that explain how they relate to people's lives. Some organizations that conduct this type of activity include aquariums, botanical gardens, nature centers, natural history museums, planetariums, and science centers. •
- Public Benefit. Local council funds must be used to support activities that contribute to the cultural vitality of the community as a whole, rather than benefiting any private individual or group. However, this does not mean that a large crowd of people needs to participate in order to satisfy the public benefit requirement. For example, an artist working with a small group of teens is a valid public benefit. Whenever possible, activities funded by local councils should be available to the general public by exhibit, performance, demonstration, reading, or other means. •
- No Substitution. To prevent HCC funds from substituting for or replacing other public funding that the city or town should be responsible for, the HCC may not fund salaries or stipends for employees of the school system, library, parks department or municipality. •
- Salaries or Stipends fixed or periodic compensation periodically paid to a person for regular work or services, a scholarship or fellowship allowance granted to a student – note: HCC MAY fund salaries or stipends for outside artists, humanists, or interpretive scientists to lead cultural activities at schools, libraries and other municipal agencies (field trips, artist-in-residency programs, lectures, performances, etc.). •
- Capital expenditure. An item, or group of items, with a life expectancy of more than three years and a total cost of more than \$500. Examples may include books, audio visual materials, equipment, uniforms, musical instruments, equipment, such as lighting or sound equipment, new construction or the renovation of a cultural facility. •
- Open Meeting Law. Massachusetts law states that all meetings of local government bodies, including those held by the HCC, must be open to the public. A quorum of HCC members, or half the appointed members plus one, is required to vote at the grant cycle voting meeting. Telephone voting or proxy voting is not allowed. For additional requirements and guidelines on open meeting law, see Appendix A. •
- Conflict of Interest Laws. In cases where there is a conflict of interest the member should abstain from both the discussion and vote. For additional information on conflict of interest law, see Appendix B.

Non-Discrimination. In accordance with state law, the HCC may not discriminate against applicants on the basis of race, gender,

religious creed, color, national origin, ancestry, disability, sexual orientation or age, nor may they fund projects that discriminate on the basis of these attributes. The Americans with Disabilities Act (ADA) requires that persons with disabilities have access to public programs or services on an equal basis with the rest of the general public. Furthermore, federal law mandates that any programs or service that receives federal or state funding must be accessible to persons with disabilities. Therefore, all events and programs funded by the HCCs must be accessible to persons with disabilities, including the facility or event location as well as the content of the program.

Grant Restrictions •

- Refreshments. Grant funds received from a local council may not be used to purchase food or beverages. •
- Scholarships. Although individual students are not eligible to apply for scholarships, an organization may apply to the HCC to sponsor a scholarship provided it shows evidence of an open and fair review and award process. The applicant organization must also ensure a public benefit component in which the award recipient “gives back” to the community in the form of a lecture, master class, exhibit, performance, etc. Requests for scholarships must be accompanied by responses to a list of supplemental questions. •
- Capital Expenditures. HCC may grant funds for capital expenses but the requests for capital expenditures (see definition) must meet a number of additional requirements. HCC may accept and review capital expenditure requests under the following circumstances:
 - o Grants should be for a one-time or special need and should be clearly justified by some longer-term public benefit.
 - o Applicants must demonstrate a 2:1 match (the HCC can only fund one-third of the total cost). The match may be comprised of any combination of cash and/or donated goods or services. The match must be documented on the application budget.
 - o Requests for capital expenditures must be accompanied by responses to a list of supplemental questions on the application.
- Capital expenditures for schools, libraries, local cultural councils, municipal agencies and religious organizations are ineligible.

Reconsideration An applicant may request reconsideration of the HCC decision on his or her application if the applicant can demonstrate that the HCC failed to follow published state and local guidelines and regulations. Dissatisfaction with the denial of an application or with the amount of an award does not constitute grounds for reconsideration. Disapproval letters must provide applicants with clear reasons for denial based on published state or

local guidelines, and information on the reconsideration process. “Insufficient funds” does not provide applicants with adequate rationale for disapproval. Reconsideration requests must be made in writing and must be sent to the HCC within 15 days of the postmarked date on the disapproval letter. The applicant should also send a copy of the request to the MCC. The request should include: •

- The application in question •
- The council’s disapproval letter to the applicant •
- The applicant’s reason for requesting reconsideration stating how the HCC failed to follow published state or local guidelines and regulations. Within 15 days of receiving a reconsideration request, the MCC will determine if the applicant has grounds for reconsideration, and will notify both the applicant and council of its decision. If the MCC determines that the applicant has grounds for reconsideration, the local council must convene a quorum of members and review the application, as if for the first time. Following all published state and local guidelines and regulations, the local council must decide whether to approve or deny the grant request and must notify the applicant of the final determination in writing. A decision on any requests for reconsideration should be made before the HCC finalizes funding decisions and completes the annual report to the MCC. Only after the annual report to the MCC has been completed, can approval letters be sent to successful applicants.

Grant Provisions •

- Credit and Publicity Requirements all published materials and announcements regarding the activities supported by LCC funds, the sponsoring group or individual must acknowledge this support with the following credit statement and by using the MCC logo. "This program is supported in part by a grant from the Haverhill Cultural Council, a local agency which is supported by the Massachusetts Cultural Council, a state agency." The logo is available at the MCC's web site (www.massculturalcouncil.org). This credit is required by the MCC and failure to comply may jeopardize future funding. Proof of credit acknowledgment should be provided when you request reimbursement from the granting LCC More information regarding this credit policy for grant recipients can be found on the MCC website www.massculturalcouncil.org •
- Conditional Approvals. The HCC may place conditions on approved applications (i.e., the applicant must hold the proposed program during the town festival, or the performing group must

provide free tickets to senior citizens). Any conditions will be communicated to the applicant in writing and note them on the application and in the minutes for that meeting. If the applicant does not agree to the condition they can choose not to accept the grant. •

- Grant Extensions and Modifications. Grant recipients have one year from the date of their approval letter to request reimbursement. The HCC can, at their discretion, approve reasonable extensions for projects. Project extensions should be requested in writing. •
- Project Modifications. Grant recipients need the HCC's written permission to make changes to their projects. Modifications should be requested in writing, and the modification should not significantly alter the original purpose of the approved application. In order to review an extension or other modification to an approved grant the HCC must convene a quorum of HCC members and vote. The HCC must inform the applicant of their decision in writing.

Reimbursement All LCC grants are reimbursement based. Grant recipients should be aware that it can take up to 60 days to process a reimbursement. Grant recipients have one year from the date of their final approval letter to request reimbursement. In order to request reimbursement the recipient must complete a reimbursement form, which is provided by the council.

Reimbursements may be made either directly to the applicant or to third party vendors who have provided goods, materials or services to the applicant. In either case, the HCC must retain a copy of the documentation provided by the applicant with the application as part of the council's records. If the HCC is satisfied that the project has been completed as promised, a minimum of two council members sign the form and forward it to the municipal treasurer, who will authorize the release of funds to the grantee. Progress payments may be made at the discretion of the HCC, but should be proportionate to the percentage of the project that has been completed. If the council is not satisfied that the project was completed as promised, the council must contact the grantee with their concerns and allow the grantee the opportunity to respond.

Two council members and the grantee may work out a compromise solution, which should be finalized in writing. If a compromise cannot be agreed upon, the council must convene a quorum of HCC members to vote on the request and/or any compromise solution put forward by the grantee or council. HCC will process reimbursements as they arrive to ensure timely payment of grantees.

Grant Cycle Timeline The Haverhill Cultural Council (HCC) is a streamlined Local Cultural Council (LCC) by state guidelines. •

- HCC grant application must be posted by U.S. Mail to the Haverhill Cultural Council by October 15. ABSOLUTELY NO EXCEPTIONS! It is strongly suggested that you request proof of delivery when you mail your application. •
- HCC receives their fund allocation notification as early as November •
- An informal applicant interview session will be held within 30 days of the application deadline to provide HCC members an opportunity to receive clarifying information as part of the grant review process. All applicants will be invited but there may not be questions for all applicants. Applicants are awarded additional points in the review process for having representation at this session. This is an effective way to learn more about grant applicants, but no applicant will be disapproved for the sole reason that the applicant was unable to attend an applicant interview. •
- HCC decides on individual grant allocations and submits to the MCC (November – January) •
- HCC sends one notifications to their approved applicants. (January)

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.30A, 18-25). The Massachusetts Attorney General has all interpretation and enforcement authority over open meeting law. More information about open meeting law can be found at www.mass.gov. The open meeting law applies to every meeting of a quorum of a government body if any public business over which the government body has jurisdiction is discussed or considered. 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: 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, not counting Saturdays, Sundays and legal holidays. Example: a Monday night meeting must be posted before Thursday night. Notices must (1) include list of topics the chair reasonably anticipates will be discussed, i.e., agenda, and (2) be posted in or on municipal building to be visible to public at all hours. Minutes must contain the date, place, time and matters discussed and shall include summaries of matters discussed, list of documents used, all decisions made/votes taken. Emails are expressly included in definition of “deliberation,”

which is prohibited outside of meetings; but distribution of agendas, scheduling information or reports to be discussed at next meeting is permitted. While the law specifically refers to “email” as constituting deliberation, similar types of electronic communication, such as blogging, electronic chatrooms, and social networking sites also fall within the scope of the definition of “deliberation” if a quorum of the public body is involved. Meetings may be recorded on audio or video tape. The person desiring to record a meeting must notify the chair, however, and the chair must inform everyone in the room of the recording. 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 The purpose of the conflict of interest law, Massachusetts General Laws Chapter 268A, is to ensure that public employees’ private financial interests and personal relationships do not conflict with their public obligations. Local cultural council members are considered special municipal employees for purposes of the conflict of interest law. All public employees, including local cultural council members must also avoid conduct which creates an appearance of conflict of interest, or conduct which creates a reasonable impression that they will act with bias. This information is not intended as legal advice, and only serves as general guidance on how to comply with the conflict of interest law. If a conflict of interest situation arises for any local cultural council member, she should obtain legal advice prior to engaging in any conduct which might violate the conflict of interest law. The Commission’s Legal Division is available to provide free, confidential legal advice to any LCC member during business hours every weekday at (617) 371-9500. As special municipal employees, LCC members are required to complete the Conflict of Interest Law online training program at www.mass.gov. The conflict of interest law regulates the following situations that may arise: •

- An LCC member applying for a grant. •
- An LCC member applying for a grant on behalf of someone else. •
- An LCC member, her immediate family or organization she is affiliated with has a financial interest in a grant. •
- An affiliate of an LCC member or non-immediate family member has a financial interest in a grant. •

- Restrictions for former members. •
- An LCC is faced with an application from a former member. •
- Using one's LCC position to obtain benefits for oneself or others. •
- Holding another municipal position in addition to the LCC position, including second positions that are part-time and unpaid. •
- Giving, requesting or receiving "gifts" related to LCC work. •
- Acting in a manner that suggests one can be improperly influenced. •
- Abstentions affecting the quorum

Possible Conflict of Interest Scenarios: Some of the scenarios below indicate that an LCC member must abstain from participating in the review of an application due to a conflict of interest. If the application is awarded a grant, council members who abstained from reviewing the application should also abstain from participating in the review of project modifications or extension requests, and should not review or approve payments to the grantee. An LCC member applying for a grant. When an LCC member applies for a grant from the cultural council on which she serves, there are three important steps to avoid a conflict of interest: 1.

- The LCC member cannot participate in the council's consideration of her own application for a grant. The member should make a verbal disclosure at the voting meeting which will be recorded in the minutes, and then leave the room during the discussion and voting of her grant application. In order to protect the LCC from accusations of biased decision-making it is important to record who abstained from which grant decisions in the meeting minutes. 2.
- It is possible that her financial interest could be affected by participating in discussion and awarding other grants that are in competition with her grant for a limited pool of funds. To avoid this possibility, the LCC member should abstain from those applications unless, prior to participating in the matter, the LCC member makes a written disclosure to her appointing authority and receives an exemption allowing her to participate in the review of the other grants. Exemption form:
http://www.mass.gov/leth/docs/legal/disc_spec_mun_ee_20c_d.pdf 3.
- When LCC members are faced with an application from a fellow LCC member, all members who are voting on the grant from the

current LCC member should file written disclosures with their appointing authority prior to taking action on the grant request. This will dispel any appearance of a conflict of interest. Disclosure form:

http://www.mass.gov/Ieth/docs/legal/disc_appearance_23.pdf

An LCC member applying for a grant on behalf of someone else. An LCC member may not apply for a grant on someone else's behalf from the cultural council on which she serves – regardless of whether or not she is paid to do so. This prohibition includes signing a grant application, representing or advocating for the application before the LCC. LCC members may offer standard guidance to applicants (i.e. can answer questions about the guidelines, help with filling out the budget, etc.) but they may not complete or present an application for funding in the capacity of an advocate or agent for that application. An LCC member, her immediate family or organization she is affiliated with has a financial interest in a grant. If an LCC member, her immediate family (immediate family includes the member's spouse and both sets of parents, children, brothers and sisters) or an organization she is affiliated with has a financial interest in a grant, the LCC member must either: •

- Abstain from participating in the review of the grant application. The member should leave the room during the discussion and voting. In order to protect the LCC from accusations of biased decision-making, it is important to record who abstained from which grant decisions in the meeting minutes. The MCC recommends this course of action. •
- Or, prior to participating in the matter, the LCC member can make a written disclosure to the appointing authority and request an exemption allowing her to participate. She can participate only if the exemption is approved. A verbal disclosure should also be made at the voting meeting and recorded in the minutes. Exemption form:
http://www.mass.gov/Ieth/docs/legal/disc_spec_mun_ee_20c_d.pdf
Examples include: •
- A member of an LCC's immediate family applies to the LCC she serves on or will accept compensation to perform in a program funded by the LCC. •
- An organization submits a grant for an event at which an LCC member will be a paid performer. •
- An LCC member is a teacher at a school and another teacher from the same school is applying to her LCC for a grant. Or an LCC member volunteers at the library and the library applies to her LCC for a grant. •
- An LCC member who owns a company patronized by LCC grant applicants, where grant money is likely to be used to make purchases from her company. An affiliate of an LCC member or non-immediate family member has a financial interest in a grant. If an affiliate of an LCC member or relative beyond a member's immediate family (i.e. cousin,

aunt, nephew, etc.) applies for or will benefit financially from a grant, the LCC member must either: •

- Abstain from participating in the review of the grant application. The member should leave the room during the discussion and voting. In order to protect the LCC from accusations of biased decision making, it is important to record who abstained from which grant decisions in the meeting minutes. The MCC recommends this course of action. •

- Or, prior to participating in the matter, the LCC member can make a written disclosure to the appointing authority and request an exemption allowing her to participate. She can participate only if the exemption is approved. A verbal disclosure should also be made at the voting meeting and recorded in the minutes. Disclosure form:

http://www.mass.gov/leth/docs/legal/disc_appearance_23.pdf Examples include: o

- A member of an LCC's non-immediate family applies to the LCC or will accept compensation to perform in a program sponsored by the LCC. o
- A close friend or associate of an LCC member applies to the LCC for a grant or will accept compensation to perform in a program sponsored by the LCC. Restrictions for former members. A former LCC member may never act on another party's behalf on any matter in which she participated while an LCC member. For example, if an LCC member reviewed and approved an application for an arts festival and then after leaving the LCC becomes a volunteer for the festival, that former member cannot submit a request for an extension or project modification to the LCC on behalf of the festival for the grant that he/she reviewed while on the council. An LCC is faced with an application from a former member. When LCC members are faced with an application from a former LCC member, they can award a grant to the former LCC member providing that they act on the merits of the application and not because of their relationship with their former colleague. All LCC members who worked with the former LCC member should file written disclosures with their appointing authority to dispel any appearance of a conflict of interest prior to taking action on the grant request. Disclosure form:

http://www.mass.gov/leth/docs/legal/disc_appearance_23.pdf Using one's LCC position to obtain benefits for oneself or others. An LCC member may not award a grant to an applicant if at the same time they are negotiating for employment with the applicant. LCC members also cannot exploit grant applications to create foreseeable future opportunities for compensated work, and then take advantage of those opportunities.

Examples include: •

- An LCC member who votes to approve a grant that would create a position compensated by the grant money at an organization can't then assume that position once it is created. •

An LCC member who is a musician cannot approve a grant for a group to put on a music festival and then become a paid performer for that festival. Holding another municipal position in addition to the LCC position, including second positions that are part-time and unpaid. LCC members are considered special

municipal employees for purposes of the conflict of interest law. A special municipal employee who is a full-time, part-time or unpaid employee of the municipality in another capacity must at a minimum file a disclosure with the city or town clerk, and may be required to receive an exemption from the board of aldermen, city council, or board of selectmen to serve on the Local Cultural Council. Exemption form: http://www.mass.gov/leth/docs/legal/disc_spec_mun_ee_20c_d.pdf Giving, requesting or receiving "gifts" related to LCC work. It is illegal to request or accept anything of "substantial value" (more than \$50) from anyone with whom you have or are likely to have official dealings (absent some family or social relationship which would explain the gift) even if the motivation for the gift is to express gratitude for a job well done or to foster goodwill. Items of "substantial value" range from cash, additional compensation and tips, to free tickets and passes to entertainment events. In addition, free or discounted services such as construction or accounting work are considered gifts. Acting in a manner that suggests one can be improperly influenced. The conflict of interest law prohibits all public employees from seeking or receiving bribes, gifts, promises or anything else of value in return for an official favor or a promise of action or inaction. In addition, the law prohibits public employees from accepting anything of value in exchange for committing any fraud on a state, county or municipal agency (or allowing anyone else to commit such a fraud). A public employee violates this section if the employee acts with "corrupt intent." As a general rule, whenever there is an agreement that a public official will receive something of value from a private party for certain official action (or inaction), that agreement is sufficient evidence that the public employee is acting with corrupt intent. Abstentions affecting the quorum. It may occur that an LCC has more than one member who has a conflict and are therefore abstaining on a particular grant application. If such disqualification reduces the number of members who can participate below a quorum (a majority of the local cultural council) please call your staff contact at the MCC to determine how to proceed.