

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: October 22, 2013		DATE SUBMITTED: September 25, 2013	
DEPARTMENT OF ORIGIN: Strategic Projects		SUBMITTED BY: Lindsey Guindi	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input checked="" type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> STATUTORY		<input type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Discussion and possible action to authorize the Mayor to sign an amendment to Contract for Services with the Arts Council of Brazos Valley (Arts Council) in the amount of \$42,000.00 from the Hotel Occupancy Tax (HOT) Fund for Fiscal Year 2014 and approve the Arts Council's Fiscal year 2013-2014 budget in consideration of the Arts Council's promotion of arts to support tourism, convention, and hotel industry in Bryan.			
SUMMARY STATEMENT: The City of Bryan adopted Fiscal Year 2014 Budget includes \$42,000.00 for the Arts Council's promotion of arts to support tourism, convention, and hotel industry in Bryan. This funding is from the Hotel/Motel Occupancy Tax (HOT) actually collected and received by the City of Bryan. The FY2014 funding amount of \$42,000.00 is the same as what was budgeted in Fiscal Year 2010 - 2013. The Fiscal Year 2008 budget was \$33,286 and the Fiscal Year 2009 budget was \$41,133.			
The City Council also is required to approve the Arts Council's annual budget, which is attached as a resolution to approve the entire budget of the Arts Council. The Arts Council's FY2014 expenses are budgeted at \$664,670.50 and estimated revenues are \$664,670.50, for a net income of \$0.			
STAFF ANALYSIS AND RECOMMENDATION: If approved, the Arts Council will continue to promote arts to support tourism, convention, and hotel industry in Bryan. Staff recommends authorizing the Mayor to sign the contract with the Arts Council and approve a resolution approving the Arts Council's Fiscal Year 2014 annual budget.			
OPTIONS (In Suggested Order of Staff Preference):			
1. Approve the proposed Resolution approving the Art's Council Fiscal Year 2014 Annual Budget and authorize the Mayor to sign the Amendment to Contract for Services in the amount of \$42,000 with Arts Council of Brazos Valley.			
2. Do not approve the Resolution or Amendment and provide direction to staff.			
ATTACHMENTS:			
1. Resolution			
2. Exhibit "A" Arts Council Brazos Valley FY2014 Budget			
3. Exhibit "B" Amendment to Contract for Services from Arts Council of Brazos Valley			
4. Original Agreement from November 13, 1978			

FUNDING SOURCE: Hotel/Motel Tax Fund
APPROVALS: Joey Dunn, 9-27-13; Hugh R. Walker, 10/03/2013
APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 09/30/2013
APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 10/14/13

Revised 05/2013

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF BRYAN, TEXAS APPROVING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013, AND ENDING SEPTEMBER 30, 2014, INCLUSIVE, FOR THE ARTS COUNCIL OF BRAZOS VALLEY WITH TOTAL EXPENDITURES OF \$664,670.50 AND REVENUES IN THE COMBINED TOTAL AMOUNT OF \$664,670.50; AND AUTHORIZING THE MAYOR TO SIGN AN AMENDMENT TO THE CONTRACT FOR SERVICES WITH THE ARTS COUNCIL OF BRAZOS VALLEY TO PROVIDE FUNDING FOR FISCAL YEAR 2014 IN THE AMOUNT OF \$42,000.00; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bryan (CITY) and the ARTS COUNCIL OF BRAZOS VALLEY (ARTS COUNCIL) have partnered for more than thirty years; and

WHEREAS, the ARTS COUNCIL provides support for tourism in the City of Bryan and the region; and

WHEREAS, the CITY plans to utilize hotel/motel tax revenues to support the operations of the ARTS COUNCIL, and

WHEREAS, the CITY is required to approve the budget of the ARTS COUNCIL; and

WHEREAS, Section 1 of the Contract for Services between the City of Bryan and the Arts Council of Brazos Valley dated November 13, 1978, must be amended upon approval of Fiscal Year 2014 ARTS COUNCIL budget;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, THAT:

1.

The budget for the fiscal year beginning October 1, 2013 and ending September 30, 2014, with combined expenditures in the sum of \$664,670.50 and combined revenues in the sum of \$664,670.50 be approved as indicated in the accompanying "Exhibit A" ARTS COUNCIL OF BRAZOS VALLEY FISCAL YEAR 2013-2014 Budget.

2.

Expenditures shall conform to the provisions of Chapter 351.101 of the Texas Revised Civil Statutes.

3.

The Mayor is authorized to sign the AMENDMENT TO CONTRACT FOR SERVICES between the City of Bryan and the Arts Council Brazos Valley, attached hereto as Exhibit "B", providing for funding in the amount of \$42,000.00.

This Resolution shall go into effect October 22, 2013.

ADOPTED BY VOTE OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, at a meeting held on the 22nd day of October, 2013.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

Exhibit "A"

Accrual Basis

Arts Council of Brazos Valley
Proposed Budget Overview
 October 2013 through September 2014

	<u>Oct '13 - Sep 14</u>
Ordinary Income/Expense	
Income	
430 · Contributed Income	
431 · Membership Dues	26,087.50
432 · Fundraising Events	
4321 · Anniversary Event	20,000.00
4322 · ACBV Events	8,340.00
4323 · Benchmarking Project	15,000.00
4324 · Celebrating the Arts	70,100.00
432 · Fundraising Events - Other	0.00
Total 432 · Fundraising Events	<u>113,440.00</u>
433 · Government Grants	
4331 · College Station	50,000.00
4332 · College Station HOT	415,000.00
4333 · Bryan HOT	42,000.00
4334 · Brazos County	8,000.00
4335 · TCA	23,600.00
4336 · Navasota HOT	26,990.00
433 · Government Grants - Other	0.00
Total 433 · Government Grants	<u>565,590.00</u>
434 · Foundation & Trust Grants	1,000.00
430 · Contributed Income - Other	0.00
Total 430 · Contributed Income	<u>706,117.50</u>
440 · Program Service Revenue	26,000.00
450 · Other Revenue	
451 · Investments	1,440.00
452 · Rentals	840.00
Total 450 · Other Revenue	<u>2,280.00</u>
46000 · Merchandise Sales	16,000.00
Total Income	<u>750,397.50</u>
Gross Profit	750,397.50
Expense	
600 · Awards and Grants	
601 · Awards & Grants-Organizations	366,990.00
602 · Awards & Grants-Individuals	3,000.00
Total 600 · Awards and Grants	<u>369,990.00</u>

Accrual Basis

Arts Council of Brazos Valley
Proposed Budget Overview
October 2013 through September 2014

610 · Salaries and Related Expenses	
611 · Salaries & Wages	148,325.00
612 · IRA Employer Contributions	4,809.75
613 · Employee Benefits-not pension	21,120.00
614 · Payroll taxes & fees	15,126.42
610 · Salaries and Related Expenses - Other	<u>12,000.00</u>
Total 610 · Salaries and Related Expenses	201,381.17
620 · Fees for Services	
621 · Accounting Fees	9,740.00
622 · Legal Fees	<u>1,000.00</u>
Total 620 · Fees for Services	10,740.00
630 · Advertising, Printing, Promo.	46,001.78
631 · Programs	
6311 · Reflections of Special Olympic	1,500.00
6312 · ART for Life	9,830.00
6313 · Texas Gallery	6,000.00
6314 · School Programs/Classes	8,700.00
6315 · Community Festivals	6,000.00
631 · Programs - Other	<u>2,000.00</u>
Total 631 · Programs	34,030.00
632 · Fundraising	
6321 · Anniversary Event	12,000.00
6322 · ACBV Events	2,500.00
6323 · Benchmarking Project	7,500.00
6324 · Celebrating the Arts	25,000.00
632 · Fundraising - Other	<u>0.00</u>
Total 632 · Fundraising	47,000.00
640 · Office Expenses	
641 · Postage, Mailing Service	600.00
642 · Supplies	1,500.00
640 · Office Expenses - Other	<u>550.00</u>
Total 640 · Office Expenses	2,650.00
650 · Information Technology	4,000.00
660 · Occupancy	
661 · Facilities & Equipment Rental	<u>2,500.00</u>
Total 660 · Occupancy	2,500.00
670 · Travel	
671 · Travel & In-Region Mileage	1,800.00

Accrual Basis

Arts Council of Brazos Valley
Proposed Budget Overview
October 2013 through September 2014

672 · Conference, Convention, Meeting	0.00
670 · Travel - Other	0.00
Total 670 · Travel	<u>1,800.00</u>
680 · Insurance	4,800.00
690 · Other expenses	
691 · Bank Charges	500.00
692 · Credit Card Charges	2,507.76
694 · Memberships and Dues	1,000.00
695 · Training & Development	3,000.00
697 · Artist Commission	15,900.00
699 · Other Costs (Taxes)	1,200.00
690 · Other expenses - Other	0.00
Total 690 · Other expenses	<u>24,107.76</u>
Total Expense	<u>749,000.71</u>
Net Ordinary Income	<u>1,396.79</u>
Net Income	<u>1,396.79</u>

Exhibit "B"

**AMENDMENT TO CONTRACT FOR SERVICES
FROM ARTS COUNCIL OF BRAZOS VALLEY**

STATE OF TEXAS (,)
 (,) **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF BRAZOS (,)

That the Contract for Services from Arts Council of Brazos Valley (hereinafter referred to as "ARTS COUNCIL") which was executed on November 13, 1978, is hereby amended by substituting a new Item Number 1 to read as follows:

1.

"City of Bryan (hereinafter referred to as "CITY") agrees to pay the total sum of \$42,000.00 to ARTS COUNCIL for the Fiscal Year 2013-2014 operations. Payment will be made in four (4) payments as detailed below:

<u>Payment Date</u>	<u>Payment Amount</u>
November 15, 2013	\$10,500.00
February 15, 2014	10,500.00
May 15, 2014	10,500.00
August 15, 2014	10,500.00

ARTS COUNCIL will provide the Chief Financial Officer of CITY with copies of the ARTS COUNCIL audit and the ARTS COUNCIL Annual reports which details the use of the money and outlines the benefits the City has received from this expenditure.

On a quarterly basis, ARTS COUNCIL shall submit an Activity Report of its activities and accomplishments for that particular quarter to CITY. The form of this report shall include a narrative summary of activities. This report shall be received by the Chief Financial Officer or designee not later than the twentieth (20th) business day following the end of each calendar quarter. These quarterly reports shall be submitted to:

Chief Financial Officer
Fiscal Services
City of Bryan
P.O. Box 1000
Bryan, TX 77805

On an annual basis, not later than May 31st of each budget year, ARTS COUNCIL shall submit its proposed budget, proposed service levels and performance measures for the following year to the CITY for review. At the same time, the ARTS COUNCIL shall present to the Bryan City Council a report on their year to date activities and accomplishments and also present information with regard to proposed projects and activities. Funding by CITY shall be subject to annual review and allocation.

CITY shall make such payments solely from the tax upon the costs of hotel-motel occupancy in the City of Bryan as established as Ordinance Number 736.

CITY has reviewed ARTS COUNCIL budget for the use of these funds and approves such budget. ARTS COUNCIL has reviewed and agrees to comply with the provision of Chapter 351.101 of the Texas Revised Civil Statutes.

That all of the terms and conditions of the Contract executed on November 13, 1978, between the CITY and the ARTS COUNCIL shall remain in full force and effect for CITY's Fiscal Year of 2013-2014, except as modified by this amendment.

IN WITNESS WHEREOF, the parties hereto, acting under authority of their governing body and board of directors, have caused this amendment to contract to be duly executed in two counterparts, each of which will constitute an original, as of the ___ day of _____, 2013.

CITY OF BRYAN

ATTEST:

Jason P. Bienski, Mayor

Mary Lynne Stratta, City Secretary

Kean Register, City Manager

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

ARTS COUNCIL OF BRAZOS VALLEY

John Happ, President

Chris Dyer, Executive Director

Original Agreement

CONTRACT FOR SERVICES FROM ARTS COUNCIL
OF BRAZOS VALLEY

THE STATE OF TEXAS }
COUNTY OF BRAZOS }

This Agreement, made and entered into by the City of Bryan, a home rule city of the State of Texas, hereinafter referred to as "City", and the Arts Council of Brazos Valley, a non-profit corporation, hereinafter referred to as "ACBV", each acting by and through its authorized officials:

WITNESSETH:

WHEREAS, ACSV is a non-profit corporation established solely for public purposes as set forth in its Articles of Incorporation; and

WHEREAS, there is sufficient assurance by reason of the conditions of the contract that the definite public purposes contracted for herein will be accomplished; and

WHEREAS, there is an adequacy of consideration in the exchange of service for the stated amount of financial assistance to be paid; and

WHEREAS, the production and promotion of arts and cultural programs will enrich the lives of those in the community, provide needed recreational activities, and attract visitors to the area; and

WHEREAS, Section 3c of Article 1269j-4.1, V.A.T.C.S., allows cities to use a portion of the hotel-motel occupancy tax for the encouragement, promotion, improvement and application of the arts:

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1.

City agrees to pay a total of \$5,100.00 plus in kind use of municipal facilities valued at \$3,100.00 to ACSV for the fiscal year 1978-79, with the payments to be made semiannually, the first payment to be made on November 15, 1978, and the second payment to be made on April 16, 1979. City shall make such payments solely from available hotel-motel occupancy

- 2.2 Publish a calendar of arts activities in the community on a regular basis;
- 2.3 Produce and promote cultural programs, such as Youth Symphony Concerts;
- 2.4 Initiate further study and planning to:
 - 2.4.1 Provide space for existing arts, humanities and natural science organizations as well as providing meeting space for other local organizations;
 - 2.4.2 Create a hub of activity for the two cities as well as offering cultural outlets for the entire Brazos Valley;
 - 2.4.3 Provide programming, exhibits, and activities which would serve as a quality visitor attraction to the Bryan-College Station community;
- 2.5 Provide "Council Speakers";
- 2.6 Research and make proposals for grants for the community in the area of arts and cultural activities.

3.

ACBV agrees and warrants to City as follows:

- 3.1 That the public purposes herein stated will be effectuated in accordance with Section 3c(a)(4) of Article 1269j-4.1 of V.A.T.C.S.;
 - 3.2 That it will provide, at a minimum, a reasonable quality of services;
 - 3.3 That when charges are made to the public for services rendered by ACBV or its participating groups, such charges will be reasonable and without discrimination;
 - 3.4 That ACBV will operate as a public agency for the benefit of the general public;
 - 3.5 That ACBV will establish and maintain budget control and furnish a copy of each budget and budget change to the City Secretary
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- 3.6 That ACBV will establish, operate and maintain an accounting system that will allow for adequate review of its income, expenses and financial status of the corporation at the end of each fiscal year;
- 3.7 That ACBV will have its books reviewed at the end of each fiscal year by an independent public accountant who will furnish a financial report to the City;
- 3.8 That all present and future rules, regulations and policies of ACBV will be reduced to writing and filed with the City Secretary.

4.

If any of the agreements or warranties hereby made by the ACBV are not complied with, the City is authorized to refuse to make any further payments until the condition on which the complaint is based is corrected to the satisfaction of the City Council.

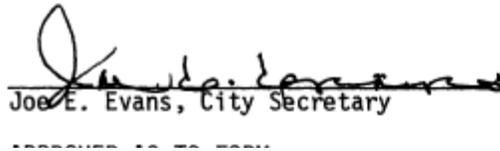
5.

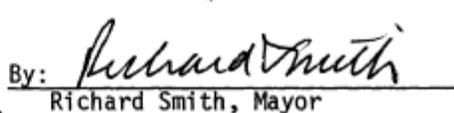
This contract shall be subject to all valid rules, regulations, and laws applicable thereto as promulgated by the United States of America, State of Texas, or any other governmental body or agency having lawful jurisdiction.

IN WITNESS WHEREOF, the parties hereto, acting under authority of their governing body and board of directors, have caused this contract to be duly executed in two counterparts, each of which will constitute an original, as of the 13th day of November, 1978.

ATTEST:

CITY OF BRYAN


Joe E. Evans, City Secretary

By: 
Richard Smith, Mayor