



**Local Cultural Council**  
PROGRAM GUIDELINES

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## Purpose

This document provides guidance to local and regional cultural councils on the policies and procedures Local Cultural Councils (LCCs) must follow when awarding and disbursing revolving account dollars to grant recipients to ensure a thoughtful and fair process for distributing public money.

These guidelines are issued by Mass Cultural Council in accordance with its authority under [Massachusetts General Laws, Chapter 10 sections 52-58](#).

Please note that Mass Cultural Council may issue additional guidelines in response to emerging situations. Local Cultural Councils will be notified if any guidelines are changed.

## Background

### Mass Cultural Council and Local Cultural Councils

In Massachusetts, public funding for the arts, humanities, and sciences is provided through a central state agency, Mass Cultural Council, and through a network of Local Cultural Councils that serve every city and town in the state. LCCs also receive support for programs from donations, fundraising events, and their local municipality.

Mass Cultural Council advances the Commonwealth's creative and cultural sector by celebrating traditions and talents, championing its collective needs, and equitably investing public resources.

Mass Cultural Council receives funding from the Massachusetts Legislature and the National Endowment for the Arts and distributes these public funds through two channels:

1. Direct grants to individuals and organizations, available through statewide competitive grant processes; and
2. Distributions to Local Cultural Councils, which then regrant funds to individuals and organizations in their own communities.

The Local Cultural Council (LCC) Program was established in 1982 and was overseen by the Massachusetts Arts Lottery Council until 1990. It then merged with the Massachusetts Council on Arts and Humanities to form Mass Cultural Council.

LCC members are appointed by the community's chief appointing authority. They are responsible for making decisions on how to award the money granted to them by Mass Cultural Council - plus funds raised in other ways - that will best serve local cultural needs.

There are currently 329 LCCs in Massachusetts that form the most extensive system of public support for community cultural programs in the country. Collectively, these councils fund thousands of cultural activities in all 351 cities and towns in the state.

Information about the LCC Program and all other Mass Cultural Council programs can also be found [online](#).

## Local Cultural Council Operations Overview

**Purpose of Local and Regional Cultural Councils.** The purpose of the local and regional cultural councils is to support public programs that advance the Commonwealth's creative and cultural sector to foster a rich cultural life in communities across the Commonwealth. Local decision-making is an integral element of this system. Local Cultural Councils have the right and responsibility to award grants that address cultural needs specific to their communities.

**Establishment of a Local and Regional Cultural Council.** Every community in the state is eligible to receive funds from Mass Cultural Council if the appropriate local town or city officials establish a Local Cultural Council and appoint council members who take on the responsibility of distributing funds on behalf of the community.

Cities and towns may also join forces in the establishment of regional councils. A regional cultural council shall be eligible to receive a total allocation equal to the combined individual allocations of the communities participating in the regional cultural council. If two or more towns wish to form a regional council, there must be at least one representative appointed from each community in the consortium. Regional consortia must also be approved by Mass Cultural Council (Local Cultural Councils may consult the provisions of M.G.L. c. 10, §.58).

Local Cultural Councils consist of at least five, but no more than 22 members, appointed by the top appointing official in the community (i.e., the mayor, city manager, board of selectmen, or executive officer). Council members should have a demonstrated interest in the arts, humanities, or sciences. The chief appointing authority and members of the local appropriating authority, as defined in M.G.L. c. 59, § 21C, cannot serve as council members.

**Membership on a Local or Regional Council.** The term of membership for a council member is three years; members can serve a maximum of two consecutive terms, or a total of six years, unless the appointing authority removes a member before the expiration of a term. Members must remain off the council for a one-year interval before serving additional terms. Notwithstanding the expiration of a member's term, under the provisions of M.G.L. c. 10, § 58, a member with an expired term shall continue to "serve until the qualification of such member's successor." This rule is a "safe harbor" provision intended to avoid quorum problems for Councils when waiting for new appointments to be made.

Councils and municipalities should not abuse this rule to allow members to serve

endless or greatly extended terms. Membership and leadership transitions must be handled in a responsible and timely manner at the discretion of the municipality and Local Cultural Council.

Annually, each council must elect a chair, secretary, and treasurer. To preserve continuity of operations, the terms of individual council members should be staggered (that is, there should never be 100 percent turnover of members in a single year, unless Mass Cultural Council determines otherwise). Local Cultural Councils may also elect to designate former officers or members as non-voting, ex officio council members. Members of an LCC have a shared responsibility to the operation of the Council. If a Council member is non-responsive for a year, council members by vote, may request the member resign and/or that the appointing authority remove them from the council. Only the appointing authority can remove a member before their term expires. (Review [Suggested roles and responsibilities of each member on the Council](#) in the LCC Toolkit.)

**Management of Local Cultural Council Funds.** Each Local Cultural Council must keep **all funds** (state funds from Mass Cultural Council, interest earned, and locally raised funds) in the LCC's municipal account. The LCC's municipal account must be a revolving account kept separate and apart from all other monies administered by the city or town treasurer as specified by M.G.L. c. 10, § 58. Councils are entitled to interest on their municipal account and to regular financial reports from the municipality. The funds may be spent as the Local Cultural Council directs, which must be consistent with Mass Cultural Council guidelines, and otherwise in accordance with local procedures for the expenditure of public funds. Separate checkbooks or non-municipal accounts are not permissible. Municipalities are tax exempt and when purchasing supplies LCC members should provide the municipal certificate.

An LCC may not accumulate **unspent state funds** at the local level. Unspent funds accrue for various reasons, typically because previously approved projects were not completed. Unspent state funds from prior fiscal years must be accounted for, reported to Mass Cultural Council, and regranted in the next available funding cycle stipulated by the timeline set forth by Mass Cultural Council.

**Administrative Expenses.** LCCs may spend up to 5% of their state allocation each funding cycle for administrative expenses, such as paid staff, postage, and publicity. While LCCs may use administrative funds to purchase refreshments for public events such as grantee receptions, LCCs cannot use administrative funds to purchase refreshments for regular LCC meetings, such as grant cycle voting meetings. [LCCs cannot purchase alcoholic beverages](#), under any circumstance.

Although Local Cultural Council members cannot receive compensation, they can receive reimbursement for expenses. Together the LCC and the municipality should determine specific policies and procedures for reimbursing members for expenses.

Any administrative funds from the prior grant cycle, which have not been spent, or are not encumbered for specific pending expenses, should be treated as

unencumbered money and should be regranted. Any locally raised money or interest earned from state funds may be used for council expenses without being subject to a percentage limit.

**Council-Initiated Programs.** Councils can use up to 20% of their Mass Cultural Council allocation on programs that have been developed by the council that respond to cultural needs in the community that are not being met (see the [Council Programs section](#) of the LCC Toolkit). Any Council-Initiated Program funds from the prior grant cycle, which have not been spent, or are not encumbered for specific pending expenses, should be treated as unencumbered money and should be regranted.

**Fundraising from Sources Other than the State.** Councils are encouraged to leverage funds from sources other than the state, including private contributions, local government allocations, program revenues, event fees, and so on. Councils are also encouraged to communicate with their municipality to ensure proper procedures when receiving funds. Donors of such funds may qualify their gift as deductible for federal income, gifts, and estate tax purposes. Funds received by gift to a Local Cultural Council are considered to be donated to a political subdivision of the Commonwealth exclusively for public purposes as defined in Section 170(c) of the Internal Revenue Code of the United States. Councils may also apply for and receive grant funding through sources such as the state, federal government, and public and private foundations. For questions from municipalities on fundraising, reference the [Municipal Guide to LCC Fundraising](#).

Regardless of the source, all funds must be used to support programs in the arts, humanities, or sciences in Massachusetts and should meet the other requirements set forth in the LCC Program Guidelines. Locally raised funds and interest earned must be kept in the LCC's municipal revolving account with the LCC's state funds. Unlike state funds distributed to the LCC from Mass Cultural Council, prior Mass Cultural Council approval for expenditure of locally raised funds and interest earned is **not** required.

**Local Cultural Council Duties.** Each Local Cultural Council has several mandatory duties:

- **Community Engagement.** Community engagement is essential in creating a framework for arts, culture, and community development that is relevant to and inclusive of the broader populations in a particular locale. In line with [Mass Cultural Council's Strategic Plan](#), councils are responsible for ensuring that its grants and programs benefit everyone in the community. To this end, each council must engage with residents and other local stakeholders to assess and understand cultural needs within its community through obtaining community input. Community Input can be gathered by hosting events, programs, or meetings to convene the community, and/or through paper or online surveys. You can [read more about community input](#) in the LCC Toolkit.
- **Communicating with the Public.** Local Cultural Councils are responsible for promoting local awareness of their programs; informing the public of the

availability of funds, the application deadline, and local priorities and guidelines; publicizing Local Cultural Council contact information; communicating with grant applicants and recipients; and other duties as Mass Cultural Council establishes. Councils will be supported in this work by the Community Initiative team who will help publicize the statewide local deadline and other program support. Councils are encouraged to begin promoting the grant cycle as early as August.

- **LCC Annual Report.** Each year LCCs are required to complete an Annual Report which consists of 3 parts:

- 1) Council Priorities & Local Guidelines
- 2) Financial Report
- 3) Grant Decisions Report

1. **Council Priorities & Local Guidelines.** All councils should develop funding priorities and/or guidelines, which are informed by an LCC's community input. Autonomy is encouraged in the establishment of local funding priorities, as long as it is within the parameters of the guidelines established by Mass Cultural Council.

- **Guidelines** clearly communicate any local application instructions or restrictions.
- **Priorities** and local review criteria help LCCs to support projects that best meet the needs of their community.

[Examples of local guidelines and priorities can be found in the LCC Toolkit.](#) Annually, by August 31 LCCs must update their council priorities, guidelines, council contact information, and indicate whether they will follow a reimbursement of direct grant payment process (See Grant Payment section). Once updated through the online grants management system, the information is posted onto the [council's public webpage](#).

2. **Financial Report.** LCCs must meet with their municipal fiscal officer between **September 1 and 30**. The municipal fiscal officer must provide the council with a completed LCC Account Form, which the municipality receives directly from Mass Cultural Council. Any differences in the LCC's accounting and the municipality's accounting should be worked out at this time. Both parties sign the document and the LCC retains the signed original for their use.

The deadline for LCCs to input the information from their LCC Account Form and calculate their amount available for granting is **October 17**. There are two tabs in the Financial Report section, and both should be completed with your municipal fiscal officer.

3. **Grant Decisions Report.** All LCCs complete and submit their Grant

Decision Report, the final component of the Annual Report, to Mass Cultural Council through the online grants management system no later than **January 17**. Councils must consider this deadline with the 15-day reconsideration period in mind. Failure to meet this deadline may result in the loss of that cycle's allocation from Mass Cultural Council.

- **Reviewing and recommending action on local applications.** See the “Local Cultural Council Grant Cycle” section of the guidelines for additional information.

**Assuring Compliance with Local Cultural Council Duties.** The fundamental operations of LCCs are reviewed and approved by Mass Cultural Council on an annual basis before funds are released. Mass Cultural Council staff will check the following before releasing funds:

- The Annual Report to Mass Cultural Council was submitted by the reporting deadline **January 17**.
- All funds from the current year were granted.

When Mass Cultural Council finds that a Local Cultural Council has not adequately complied with its duties as specified in the LCC Guidelines, Mass Cultural Council may suspend all or part of its funding for that council. Mass Cultural Council may also specify corrective actions that the LCC must take before it can begin to receive funds again. If an LCC fails to take corrective actions specified by Mass Cultural Council, within a time frame specified by Mass Cultural Council, Mass Cultural Council may redistribute any funds allocated to that Local Cultural Council.

If an LCC appears unable to comply, not only with its duties but also with corrective actions specified by Mass Cultural Council, then Mass Cultural Council may determine that a partial or complete change in the membership of the Local Cultural Council may be in order to enable the community to begin receiving its funds again. In these extraordinary cases, Mass Cultural Council may authorize the local appointing authority to remove a member or members from the LCC and appoint new member or members.

**State Reviews.** Mass Cultural Council conducts periodic reviews of LCCs. Mass Cultural Council may review the applications and their supporting documentation, payment requests submitted by grantees, and adherence to following the procedures outlined in the LCC Program Guidelines. Mass Cultural Council may employ third-party experts to conduct these periodic reviews.

## Local Cultural Council Grant Cycle

### Application Instructions

Applicants submit directly to specific Local Cultural Councils using the online application. Paper or mailed applications cannot be accepted. Applicants who need assistance filling out an application online should contact their [Program Officer](#).

Mass Cultural Council can offer translation, interpretation, alternative formats, and other services individuals may need to participate fully in Agency programs. [Learn more about requesting an accommodation for accessibility or requesting translation services.](#) Mass Cultural Council will provide support to the Local Council to meet any such request.

Before applying, applicants should read the LCC's local guidelines and priorities for any additional instructions. Applicants are not required to mail additional hard copies to the council to which they are applying.

Local Cultural Councils intending to use a portion of their state funds for Council-Initiated Programs should refer to the "Council-Initiated Programming" section.

**LCC Grant Payments.** LCCs choose to make all payments to grantees through either direct or reimbursement. Although there are two different ways to make grant payments, all other aspects of the grant cycle remain the same. More information about [Direct and Reimbursement payments](#) can be found in the LCC Toolkit.

- **Reimbursement:** This process reimburses the grantee for funds they have expended. Once the project is complete, the grantee submits a [reimbursement request](#).
- **Direct Grant:** this process authorizes municipalities to make grant money available in full and up front to grant recipients as soon as the grantee submits their [grant agreement](#).

**By August 31,** councils must indicate which payment type they use by updating their council profile in the online grants management system. To do this, councils will click the corresponding box to indicate direct or reimbursement. For more information about grant payments and details about the payment processes see the "Grant Payment" section.

## Eligibility

**Application deadline.** All applicants must submit completed applications by the statewide deadline, **October 17. Late applications cannot be accepted.**

**Types of grants.** A LCC may approve grants for a broad range of projects and programs, such as operating support, ticket subsidies, field trips, artist residencies, public art, fellowships, community events/programs, site specific projects, and other activities, based on local priorities. Each LCC determines its own local eligibility requirements based on the community engagement process.

**Grant amounts.** Local Cultural Council grants vary by council, and are determined by each LCC. Mass Cultural Council strongly encourages granting no less than a minimum of \$250 to each approved application. To get a sense of typical award amounts, applicants should review the funding list on each [council's profile on the](#)

[Agency's site.](#)

**Program eligibility.** Applicants may apply for grants for programs that take place during an 18-month window of eligibility from July 1, preceding the application deadline in October, through December 31 of the following year.

This means that applicants may apply for projects that have already happened or which happen prior to grant announcements of the current fiscal year cycle, with the knowledge that funding is not guaranteed. LCCs are authorized to establish a smaller window of eligibility; if they do so, they must publish the eligible dates in their council guidelines.

**Applicant eligibility.** Applicants must reside or be located in Massachusetts. LCCs may accept applications from anyone included in the following list. LCCs are authorized to prioritize eligible applicant types or limit which types of applicants they fund; if they do so, they must publish the eligibility in their council guidelines:

- **Individuals.** Individual applicants, which includes sole proprietors, must show that a public benefit results from the project for which they are applying. Individual members of LCCs may apply for funding from their own Local Cultural Council but must observe all conflict-of-interest laws and regulations in the granting process. LCCs may also establish their own rules regarding applications from fellow members if these are consistent with the state's conflict-of-interest laws (see Appendix B).
- **Incorporated non-profit organizations.** Organizations incorporated as nonprofits with the Secretary of the Commonwealth.
- **Unincorporated associations.** A group of individuals coming together with a common purpose (e.g., local community band, theater group) that do not have nonprofit status.
- **Incorporated for-profit organizations.** For-profit organizations incorporated with the Secretary of the Commonwealth. This includes corporations, partnerships, and Limited Liability Companies (LLC). Applicants must show that a public benefit results from the project for which they are applying.
- **Tribal, federal, state, and municipal government organizations.** This includes any governmental entity such as public schools, libraries, other municipal agencies, and the Local Cultural Council itself.
- **Religious organizations.** LCCs cannot fund activities that are "inherently religious" such as religious worship, instruction, and proselytization. Religious organizations or groups with a religious affiliation are eligible to apply for funding for a project or program that:
  - is available to the general public.
  - has purpose of benefitting the public, not the religious organization.

[For more information see the LCC Program's Frequently Asked Questions \(FAQs\).](#)

## Criteria

These four rules must be followed in the review of all funding decisions and are equally important. LCCs have the option of developing local review criteria and may decide how to weigh their importance:

1. Arts, Humanities, and Sciences
2. Public Benefit
3. Non-Discrimination
4. Local Priorities

**Arts, Humanities, and Sciences.** LCC funds may only be used to support the creative and cultural sector through programs broadest sense.

How does Mass Cultural Council define the arts, humanities, and sciences?

- **Arts** refer to the creation of work in the crafts and performing, visual, media, folk, design, literary, and inter-disciplinary arts. They also include the presentation, 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.
- **Science** is limited to its cultural, interpretive, and educational expression and refers to 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.** LCC funds must support activities that contribute to the cultural vitality of the community rather than benefiting any private individual or group. However, this does not mean that a large crowd of people needs to participate to satisfy the public benefit requirement. Whenever possible, activities funded by LCCs should be available to the public or community by exhibit, performance, demonstration, reading, or other means. An important component of public benefit is advancing diversity, equity, inclusion, and access. Programs do not need to be in-person to provide public benefit. Virtual and remote programming are also effective ways to make programming available to the public.

In looking at the requirement of applicants to offer public benefit to a community, LCCs should look towards responses from their community engagement process to better inform their council priorities.

**Non-Discrimination.** In accordance with state law, LCCs may not discriminate

against applicants and/or programs based on age, ability, ethnicity, race, religion, sexual orientation, gender identity or expression, nationality, geographic origin, or immigration, military, or socio-economic status. Nor may LCCs fund projects that discriminate based on 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 public. Federal law mandates that any programs or services that receive federal or state funding must be accessible to persons with disabilities and there must be reasonable accommodation made to provide an accessible environment. All events and programs funded by LCCs must consider access for persons with disabilities, including the facility or event location, as well as the content of the program. To ensure equitable access, an applicant's first step is a candid assessment and identification of barriers (physical, virtual, cultural, communication) followed by a bold and innovative plan for improvement.

If an applicant puts forward a proposal for a project with strong potential for public benefit, but the LCC has concerns about access for persons with disabilities, the council may choose to award a conditional approval (see the "Grant Provisions" section). This would allow the applicant the opportunity address the concerns and improve access as a condition of receiving the grant.

For further information on ensuring accessible programming, please refer to the [Accessibility Compliance Tools for Grantees](#) and for the [Agency's Access Policy](#).

**Local Priorities.** LCCs are authorized and encouraged to develop additional criteria based on their annual community input process and may give priority to their criteria to reflect local concerns and community cultural needs. Councils should formulate council priorities that ensure funding is broadly available to the widest range of diverse community needs.

Council priorities must be posted on the LCC's public council profile to be used as criteria for granting decisions.

Based on community input and community need LCCs could consider:

- Encouraging applications for operating support to allow organizations more responsive, flexible support.
- Loosening local requirements for a set date and set venue at the time of application given the uncertainty applicants face in planning at this time.
- Prioritizing funding for historically under-funded communities including BIPOC (Black, Indigenous, and People of Color) communities, individuals with disabilities, low-income communities, and individual artists.

## Grant Restrictions

**Refreshments.** Grant funds received from a LCC may not be used to purchase food

or beverages of any kind.

**Scholarships.** An organization may apply to an LCC to sponsor a scholarship, provided the council feels the scholarship program provides sufficient public benefit and meets all other state and local criteria. Individual students are not eligible to apply for scholarships.

## Council-Initiated Programming

Councils are encouraged to develop their own programs and activities to respond to cultural needs that are not otherwise being addressed in the community or that support the council's local priorities. A council may spend up to 20% of its state allocation each funding cycle to support programs initiated by the LCC itself. The funds can be used to support the program administration, program staffing, and other program-related expenses. Councils are strongly encouraged to use their community engagement process to ask for specific suggestions for projects or to elicit feedback on proposed initiatives.

The dollars approved for council programs come directly from that LCC's annual allocation. Councils that choose to set aside these funds for their Council Programs must complete the Council Program section of the Annual Report, found within the Grant Decisions box, on the online [grants management system](#).

**Restrictions.** Funds raised locally from council-initiated programs must be deposited into the LCC's municipal account. In addition, it must observe the following restrictions:

- Council-initiated program funds cannot be set aside "just in case." They must be spent prior to the next grant cycle on programs specifically organized by the council. Unspent money must be treated as unencumbered funds and must be granted out the following grant cycle according to Mass Cultural Council's timeline and process.
- Council-initiated program funds cannot be used to fund late or ineligible grant applications. These funds are intended for use in programming and activities led by the council itself.
- Council-initiated program funds must be spent on the specific program, not be on general LCC administrative/operational expenses such as printing panel books, paying staff for grant cycle management, or standard council publicity efforts. (See the "Management of Local Cultural Council Funds" section, each council may use up to 5% of their allocation for these types of administrative purposes).
- Each member of the council must carefully follow the conflict-of-interest procedures outlined in Appendix B of this document. This information is not intended as legal advice and only serves as general guidance on how to comply with the conflict-of-interest law. Council programs cannot create foreseeable

opportunities for compensated work that council members then take advantage of. Examples include:

- If a council is putting on a festival, a council member who is a musician cannot then become a paid performer for that festival.
- If a council creates a program that requires the support of a paid staff person, a council member cannot then assume that position once it is created.

In addition to oneself, each LCC member must be careful if family members or business partners, or an organization a member is affiliated with, have a potential financial interest in council programming. If a conflict-of-interest situation arises for any Local Cultural Council member, they should obtain legal advice prior to engaging in any conduct which might violate the conflict-of-interest law. **The State Ethics 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.**

**Accessing the funds.** All funds for council-initiated programming, no matter the source, must be kept in the council's municipal revolving account and can be accessed by:

- Direct advance payments to third party vendors for goods or services.
- Reimbursement to council members or vendors for expenses related to the project.

The expenditure of these funds may be subject to state procurement laws as they apply to municipalities (such as requiring bids from multiple vendors, requiring payments upon completion of service, etc.). Councils undertaking their own programming should work closely with their municipalities to establish specific processes for expending and tracking funds and ensuring compliance with procurement laws.

**Council-Initiated Program Final Report.** Councils who use state funds to support their prior year council-initiated program must complete a final report by January 17. If the project is not complete the council should send an update. Final reports are emailed to the LCC's [Mass Cultural Council Community Program Officer](#).

## Grant Review

**Deadline Compliance.** LCCs cannot accept late applications. Meeting the statewide application deadline is a requirement, not a "technicality."

**Applicant Interviews.** Mass Cultural Council discourages LCCs from holding interviews unless it is necessary to reach a granting decision. If councils find it useful to conduct applicant interviews as part of the grant review process, they must take extra precautions to ensure that the interview process is consistent, fair, and equitable. Interviews must not be required of applicants. Councils cannot disapprove an application for the sole reason that the applicant was unable to attend an interview.

**Open Meeting Law.** Massachusetts law states that all meetings of local government bodies, including those held by LCCs, must be open to the public. For additional requirements and guidelines on open meeting law, see Appendix A.

**Conflict-of-Interest Law.** In cases where there is a conflict of interest the member should abstain from both the discussion and vote. For additional requirements and guidelines on conflict-of-interest law, see Appendix B.

**Public Records Law.** All records of the actions of LCCs are considered public information and are subject to the state's public records law. LCCs must be available to respond to requests to view these materials "without unreasonable delay." The public records law establishes a maximum delay of 10 days from the day of the request. For additional requirements and guidelines on public records law, see Appendix C.

## **Reconsideration**

An applicant may request reconsideration of an LCC decision on their application if the applicant can demonstrate that the LCC failed to follow published Mass Cultural Council guidelines and/or LCC local guidelines or priorities. Dissatisfaction with the denial of an application or with the amount of an award does not constitute grounds for reconsideration.

Disapproval letters will be sent automatically through the online grants management system once the LCC marks the application as denied in the system. The notice will provide the clear reason for the denial based on state guidelines or local priorities. "Insufficient funds" does not provide applicants with adequate rationale for disapproval.

Reconsideration requests should be made via email. The request must be sent to Mass Cultural Council at our email address ([lcc@mass.gov](mailto:lcc@mass.gov)) within 15 days of the notification date on the disapproval letter (timestamp on email). Business days, weekends, and holidays count toward the 15-day limit. The applicant should also send a copy of the request to the LCC. The request should include:

- The council's disapproval letter to the applicant.
- The applicant's reason for requesting reconsideration stating how the LCC failed to follow published state guidelines or local priorities.

Within 15 days of receiving a reconsideration request, Mass Cultural Council will determine if the applicant has grounds for reconsideration and will notify both the applicant and council of its decision.

If Mass Cultural Council determines that the applicant has grounds for reconsideration, the LCC must convene a quorum of members and review the application, as if for the first time. Following all published state guidelines and local priorities, the LCC must decide whether to approve or deny the grant request and

must notify the applicant of the final determination.

A decision on any requests for reconsideration should be made before LCCs finalize funding decisions and complete the Annual Report to Mass Cultural Council. Only after the Annual Report to Mass Cultural Council has been completed can successful applicants be notified of their approval.

## Grant Contingencies and Requirements

**Conditional Approvals.** LCCs 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). Conditions may also require submission of specific documentation related to receipt of grant funds or with final reports. LCCs must communicate any conditions to the applicant in writing (email or hard copy) and note them 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 notification to request reimbursement. Grant recipients need the LCC's written permission (email or hard copy) to make changes to their projects. At their discretion, LCCs can approve reasonable extensions and modifications for projects. The modification should not significantly alter the original purpose of the approved application.

Project extensions and modifications must be requested in writing and responded to in the same manner. To review an extension or other modification to an approved grant, a subcommittee of a minimum of two members can review and approve the request. The joint decision should be documented and later reported to the full council at the next meeting. If the subcommittee is unsure whether to approve the request the LCC must convene a quorum of LCC members and vote. The LCC must inform the applicant of their decision in writing and ensure that the vote is reflected in the meeting minutes.

**Credit and Publicity Requirements.** All grant recipients are required to acknowledge the financial support of the LCC that approved their grant and Mass Cultural Council in published materials and announcements about their project. More information about the [credit policy for LCC grant recipients](#) can be found online.

## Grant Payment

There are two different processes that Local Cultural Councils can choose between to pay grants:

1. **Reimbursement Process.** All grant recipients have one year from the date of their approval notification to request reimbursement. Late requests, made outside the valid reimbursement period, risk loss of funds as LCCs are required to regrant unspent funds each year. If the funds have not already been regranted, it is up to

each council's discretion whether or not to honor a grantees' late reimbursement request. 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 LCC must retain a copy of the documentation provided by the applicant as part of the council's records.

If the council is satisfied that the project has been completed as promised, a sub-committee of a minimum of two council members must approve the payment. Both members can sign the form to indicate approval, or one member can sign the form on behalf of both members. The form is then forwarded to the municipal treasurer, who will authorize the release of funds to the grantee. If only one member signs the form, it is important that the joint decision is documented and later reported to the full council at the next meeting. LCCs should process reimbursements as they arrive to ensure timely payment of grantees. Councils should take no longer than four weeks to forward approved reimbursement requests to the municipal treasurer.

Progress payments may be made at the discretion of the LCC but should be proportionate to the percentage of the project that has been completed. Because the payment is made after the project is completed, a final report is not required of grantees unless the LCC has local guidelines specifying this requirement.

**Project/Program Completion Concerns for Reimbursement Grants.** If the council is not satisfied that the project was completed as promised or not completed at all, 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 solution, which should be finalized in writing (email or hard copy). If a compromise cannot be reached, the council must convene a quorum of members to vote on the reimbursement request. The council may vote for full, partial, or no reimbursement. Results should be reflected in the meeting minutes, and the grantee should be given final notification in writing of the outcome of the vote.

2. **Direct Grant Process.** All grant recipients have one year from the date of their approval notification to request their funds. For direct grants, it is suggested, however, that the grantee submit the paperwork for direct payment within two weeks of receiving their approval notification. Late requests, made outside the valid reimbursement period, risk loss of funds as LCCs are required to regrant unspent funds each year. If the funds have not already been regranted, it is up to each council's discretion whether or not to honor a grantees' late reimbursement request.

A sub-committee of a minimum of two council members must approve the payment. Both members can sign the form to indicate approval, or one member can sign the form on behalf of both. The form is then forwarded to the municipal treasurer, who will authorize the release of funds to the grantee. If only one

member signs the form, it is important that the joint decision is documented and later reported to the full council at the next meeting.

LCCs who are providing direct grants **must** attach a copy of the [Grant Agreement Form](#) to their approval letter. The form serves the dual purpose of stating performance terms and conditions, as well as, authorizing a payment.

Using the Grant Agreement Form, the grantee will provide payment information and accept the terms and conditions of the grant. Because the payment process is different from the reimbursement-based process, the council's award letters must reflect this new payment process. You can [view a Sample Direct Grant Approval Letter](#) in the LCC Toolkit. Councils may amend the Grant Agreement Form to reflect any penalties to the grantee if the project is not completed and the funds not returned.

The grantee will also be asked to complete a W-9 Form which will be attached to the Grant Agreement Form. It is a step necessary to receive a municipal payment. If grant funds are to be paid directly to a third-party vendor, the vendor must fill out the form and return it to the LCC. In each case, the LCC will forward the W-9 to the appropriate municipal fiscal officer, typically the city auditor or town accountant, so that funds can be authorized and released to the grantee through the local vendor warrant process. The LCC **will not** keep a copy of the W-9.

LCCs should review grant agreements as they arrive and forward copies to the municipal fiscal officer as soon as possible to ensure timely release of funds to grantees. LCC should communicate with local their municipal fiscal officer early to verify that funds can be released within four weeks of receiving a payment request from the LCC.

Payment may be made either directly to the applicant or to third party vendors who will provide goods, materials, or services to the applicant. In either case, the LCC must retain a copy of the documentation provided by the applicant as part of the council's records.

**Final Reports for Direct Grants.** A [Final Report](#) for direct grant recipients is due to the council *within two weeks of completing their funded program*. Grantees should send Final Reports to the LCC. Councils may require grantees to submit additional materials with their Final Report, if so, those requirements must be stated in the approval letter.

**Project/Program Completion Concerns for Direct Grants.** If the council is not satisfied that the project was completed as per the Grant Agreement Form, the council must contact the grantee with their concerns and allow the grantee the opportunity to respond. If it is still possible, two council members and the grantee may work out a compromise solution, which should be finalized in writing (email or hard copy). If a compromise cannot be reached, the council must convene a quorum of LCC members to vote on whether to formally request repayment of

funds in accordance with the agreement. The council may vote for full, partial, or no repayment.

Grantees that do not repay the grant funds to the Local Cultural Council will jeopardize future funding. Councils have the leeway to state in their Grant Agreement Form, the penalties that will occur if grant funds are not repaid. (For example, the grantee would not be able to apply for funding for a certain amount of time.)

LCCs should request repayment in writing and make a good faith effort to secure the funds. If the grantee is not responsive, the council should institute the penalties as outlined in the Grant Agreement Form.

**Tax Implications to Grantees.** LCCs and grantees should be advised that grant payments can be considered taxable income depending on a variety of factors. Most recipients of grant payments will be required to complete a W-9. Recipients should discuss the impact of any grant payment on their tax filings with a tax professional. Individuals who are the recipient of income-based benefits should not receive payment without first contacting the agency or agencies providing the benefits as one-time payments can disrupt benefits.

## Grant Cycle Timeline

### July

- LCCs start making the following updates in the grants management system:
  - Council profile and contact information.
  - Whether the council will use a direct grant or reimbursement payment process.
  - Local guidelines and priorities.

### August

- LCCs continue making the following updates in the grants management system. These are due by **August 31**:
  - Council profile and contact information.
  - Whether the council will use a direct grant or reimbursement payment process.
  - Local guidelines and priorities.
  - Member list.
- LCCs publicize the grant program locally.
- Mass Cultural Council notifies LCCs of their allocation amount.

### September

- New grant cycle opens on **September 1**. LCC's local guidelines and priorities become visible on the council's profile on Mass Cultural Council's web site.
- LCCs continue to publicize the grant program locally.
- Councils meet with their Municipal Fiscal Officer to receive their LCC Account

form and calculate the amount available for granting for the new fiscal year no later than **September 30**.

- LCCs hold grant workshops.

## **October**

- Online grant applications due to LCCs by **October 17**.
- LCCs complete the Financial Report in the grants management system by **October 17** This includes two tabs:
  - The LCC Account Form
  - Calculate Amount Available for Granting
- LCCs generate their panel books using the online grants management system.
- LCCs schedule and plan for their grant cycle voting meeting.

## **November - December**

- LCCs conduct their grant cycle voting meetings.
- LCCs use the grants management system to send disapproval notifications immediately following their voting meeting.
- Mass Cultural Council receives reconsideration requests and notifies LCCs.
- LCCs observe the 15-day reconsideration period.
- LCCs use the grants management system to approve applications and to complete their Annual Report. (A brief approval notification is sent to applicants through the system, but LCCs must send the full approval letter to grantees outside of the system.)

## **January**

- LCCs continue to use the grants management system to:
  - Send disapproval notifications immediately following their voting meeting.
  - Approve applications.
  - Complete their Annual Report due by **January 17**.
- A brief approval notification is sent through the online grants management system, but LCCs must send the detailed approval letter to grantees outside of the system.
- Final reports from the previous fiscal year's Council-Initiated Program are due by **January 17**.
- After the Annual Report is complete, LCCs publicize grant awards.
- LCCs begin processing reimbursement or direct grant requests.

## **Spring/Summer**

- LCCs process reimbursement requests.
- LCCs ensure grant recipients acknowledge Mass Cultural Council and LCC funding.
- LCCs hold grant receptions and invite Mass Cultural Council program staff and elected officials.
- LCCs conduct community engagement.

- LCCs update local guidelines and priorities based on community input.
- LCCs present the programs and individuals they have funded to the municipality.

## Appendix A - Open Meeting Requirements

**FY24 Update:** On March 29, 2023, Governor Healey signed into law a supplemental budget bill which, among other things, included an extension, **until March 31, 2025, of the remote meeting provisions.** The temporary provisions pertaining to the Open Meeting Law contain two primary provisions.

First, the temporary law allows public bodies to continue providing live “adequate, alternative means” of public access to the deliberations of the public body, instead of holding meetings in a public place that is open and physically accessible to the public. “Adequate, alternative means” may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body in real time.

Second, the temporary law authorizes all members of a public body to continue participating in meetings remotely; the Open Meeting Law’s requirement that a quorum of the body and the chair be physically present at the meeting location remains suspended.

This means that your LCC does not need a quorum of members **physically present** to hold a decision meeting, however it does not eliminate the requirement for a quorum.

**However, the public must still have access to the virtual meetings. As a result, do not hold any virtual meetings until you seek and receive permission and guidance from your city/town.** The municipality will determine the process by which municipal boards and commissions can hold virtual meetings, and/or if they can hold them at all. All other aspects of Open Meeting Law are still in place such as the requirement to give notice, post an agenda, and keep minutes of the meeting.

Review the [updated guidance on holding meetings pursuant to the Act Extending Current COVID-19 Measures for additional information.](#)

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 on the [State's web site.](#)

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. A quorum is a simple majority of the members of the council. 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 a list of topics the chair reasonably anticipates will be discussed, i.e., agenda, and (2) be posted in or on a 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 the definition of "deliberation," which is prohibited outside of meetings; but distribution of agendas, scheduling information, or reports to be discussed at the 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**

Conflict-of-interest law, Massachusetts General Laws Chapter 268A, ensures that public employees' private financial interests and personal relationships do not conflict with their public obligations. LCC members must avoid conduct which creates an appearance of conflict of interest or a reasonable impression that they will act with bias. Conflict-of-interest law considers LCC members as special municipal employees, therefore LCC members are required to complete the [Conflict-of-Interest Law Online Training program](#).

This information is not legal advice, it is general guidance on how to comply with the conflict-of-interest law. If a conflict-of-interest situation arises for any LCC member, they should obtain legal advice prior to engaging in any conduct which might violate the conflict-of-interest law. The Ethics 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. The conflict-of-interest law regulates potential scenarios below:

### **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 from their own council.** When an LCC member applies for a grant from the cultural council on which they serve, there are three important steps to avoid a conflict of interest:

- a) The LCC member cannot participate in the council's consideration of their 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.
- b) It is possible that a LCC member applying could see other applications as competition, given the 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 their appointing authority and receives an exemption allowing them to participate in the review of the other grants.
- c) When LCC members receive an application from a fellow member, those who are voting on the grant should file written disclosures with their appointing authority prior to acting on the grant request. This will dispel any appearance of a conflict of interest.

**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 they serve. 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 as an advocate or agent for that application.

**An LCC member, their immediate family, or organization they are affiliated with has a financial interest in a grant.** If an LCC member, their immediate family (includes the member's spouse/partner and both sets of parents, children, brothers, and sisters) or an organization they are 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.

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

Examples include:

- A member of an LCC's immediate family applies to the LCC they serve 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 their LCC for a grant. Or an LCC member volunteers at the library and the library applies to their 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 their 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.
- **Or**, prior to participating in the matter, the LCC member can make a written disclosure to the appointing authority and request an exemption allowing them to participate. They can participate only if the exemption is approved. A verbal disclosure should also be made at the voting meeting and recorded in the minutes.

Examples include:

- 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.
- 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 they participated while being an active an LCC member. For example, if an LCC member reviewed and approved an arts festival application 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.

**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 acting on the grant request.

**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 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.

**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, 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. The law also 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 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 to below a quorum (a simple majority of the members of the council) please call your Mass Cultural Council Program Officer to determine how to proceed.

[Exemption and Disclosure forms](#) are available online.

## **Appendix C - Public Records Law**

At least six years' worth of records must be kept in a secure space identified by the city or town clerk. Records include but aren't limited to minutes of all meetings, disclosure forms, applications and approval and denial letters. All applications are stored in the Mass Cultural Council's online grants management system. Councils should seek guidance from their city or town clerk as to whether this should be an electronic or hard copy. Records more than six years old should be archived using the same procedures employed by the municipality. City or town clerks can reference Massachusetts Statewide Records Retention Schedule (L13 24) for additional information.

To facilitate access to the current year's records, the chair may keep those records in their home; however, the city or town clerk should be apprised of their location. Information on members should be entered directly into the Mass Cultural Council's online grants management system. The town clerk's office should also be provided with up-to-date council contact information so potential applicants can find LCC contacts and get assistance when needed.

All records of the actions of Local Cultural Councils are considered public information and are subject to the state's public records law. LCCs must be available to respond to requests to view these materials "without unreasonable delay." The public records law establishes a maximum delay of 10 days from the day of the request.