

AN ORDINANCE **2017-03-09-0161**

ESTABLISHING GUIDELINES FOR THE FUNDING OF FILM FESTIVALS BY THE SAN ANTONIO FILM OFFICE.

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WHEREAS, on October 13, 2016, City Council unanimously adopted a five-year strategic plan for the San Antonio Film Office, which included strategies for investing, developing and maintaining the film industry, funding workforce and infrastructure needs, and marketing to increase business opportunities in order to build a strong film culture; and

WHEREAS, the San Antonio Film Office has developed guidelines for a Film Festival Funding Program to support these strategies based on feedback from producers of local film festivals, which establish eligibility criteria, restrictions on use of funds, scoring criteria and required deliverables; and


WHEREAS, these guidelines were approved by the San Antonio Arts Commission's Film Committee on February 2, 2017 and the San Antonio Arts Commission on February 21, 2017;
NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The Guidelines for the funding of film festivals by the San Antonio Film Office attached as **Exhibit I** are authorized and approved.

SECTION 2. This Ordinance shall take effect immediately upon the receipt of eight affirmative votes; otherwise it shall be effective ten days after its passage.

PASSED AND APPROVED this 9th day of March, 2017.

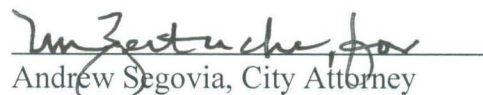

M A Y O R
Ivy R. Taylor

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney

Agenda Item:	20						
Date:	03/09/2017						
Time:	12:50:34 PM						
Vote Type:	Motion to Approve						
Description:	An Ordinance establishing guidelines for the funding of film festivals by the San Antonio Film Office. [Lori Houston, Assistant City Manager; Debbie Racca-Sittre, Director, Arts & Culture]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				x
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x			x	
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

EXHIBIT I



City of San Antonio
Department of Arts & Culture

San Antonio Film Office

Film Festival Guidelines

The goal of the Film Festival Funding Program is to invest in developing a film culture for San Antonio. The Film Strategic Plan adopted by City Council on October 13, 2016 included a strategy to enhance marketing to increase business opportunities and build a strong film culture that includes San Antonio hosting successful international, academy qualifying film festivals and a film convention/film market.

Process – The Film Office will issue a Request for Proposals to make grants available to non-profit organizations to produce film festivals with the goal of developing and promoting the film culture in San Antonio.

Festivals are expected to be on a 2-year funding process, however, all initial or continuation of awards are contingent on availability of City funds. **Awards will be up to a maximum 20% of festival's overall budget.**

ELIGIBILITY REQUIREMENTS

Organizations interested in applying must meet the following requirements:

1. Festival must be held within the City of San Antonio City Limits, be open to the public and ADA compliant.
2. Applicant organization must be a San Antonio based, IRS recognized non-profit governed by board of directors / trustees that meets regularly and have a business office address in the City of San Antonio which is accessible by the public. (PO Boxes are not acceptable.)
3. Showcase a proven track record of producing a community recognized festival with wide audience accessibility at the time of the application.
4. The festival must have been held annually for a minimum of the immediate past three (3) years in San Antonio.

5. The film festival must include a locally juried selection process for the films that will be included in the festival.
6. The film festival must include workshops, panels and/or presentations for film education, networking and professional development of the San Antonio film industry.

RESTRICTIONS

1. Events that only show screenings or a premier of films are ineligible.
2. Organizations that submit an application under a fiscal sponsor are ineligible.
3. Events that are officially recognized as part of the annual FIESTA are ineligible.
4. The Film Office will not consider multiple requests for the same festival or from the same organization.
5. Film Festivals funded through this process cannot apply for Art Funding.
6. The City will not fund programs for religious purposes that promote or celebrate any sect, church, creed or sectarian organization, conduct any religious service or ceremony, nor for the inhibition or promotion of religion, nor to convey a religious message.
7. The City will not fund programs where the primary effect of funding would be for political purpose for or against a political candidate, ballot measure or bill.
8. The City will not fund projects, productions, workshops and/or programs that include obscene material as defined in Section 43.21, Penal Code of Texas.
9. Film festivals, workshops and educational programs held on a school campus that are provided by the school district are ineligible.
10. Accredited academic teaching institutions and departments thereof are ineligible.

WHAT'S REQUIRED

All Applicants will be required to submit an application by or before the deadline which will include the following:

1. Festival history and the audiences it serves, short biography for each of the key participants, a copy of the media/marketing plan for the festival, a budget form (template provided), and a document outlining festival sponsorship levels.
2. An itemized festival budget, which details all other sources for funds including sponsorships. Funds can only be used for the following:
 - a. Contracted Services Fees including travel and per diem. Guest panelist or workshop presenter fees and travel expenses including lodging.

- b. Production Expenses. Production management, staging and sound and lighting equipment rental specifically designated for the festival.
- c. Space Rental. Includes stage and rental for the festival only.
- d. Marketing and Promotion. Including media ads, graphic design, website management and promotional material and printing costs.

If funding is approved, organizations must provide the following deliverables:

- a. 15 full-access passes to the festival
- b. San Antonio Film Office logo featured on marketing materials including:
 - a. Fliers, including rack cards
 - b. Posters
 - c. Program
 - d. Step and Repeat
 - e. Social media posts (post may include “Sponsored by the San Antonio Film Commission” if room for logo is not available)
- c. At least one copy of the festival poster, flier and program
- d. Listed as sponsor in news release and media materials.
- e. The inclusion of the San Antonio Film Office in any media opportunities, where applicable.
- f. Annual wrap-up report within 30 days of the last day of the festival that includes:
 - i. Number of films submitted
 - ii. Number of films screened
 - iii. Number of local films screened
 - iv. Number of attendees
 - v. Number of social media followers
 - vi. News clips related to the festival

REVIEW CRITERIA

Programmatic Excellence (45 percent)

1. Evidence of locally juried selection process for films to be included in the festival.
2. Diversity of artistic/cultural offering.
3. Demonstration of innovative and excellent programs.
4. Qualification of staff that supports the festival implementation.
5. Uniqueness of programming and relevance to film culture of San Antonio.

Audience Engagement (35 percent)

1. Demonstrated efforts to achieve broad and diverse participation across the film industry and greater San Antonio community, including youth organizations (schools, film programs, etc.).
2. Festival relevance and capacity to engage audiences and communities.
3. Evidence of strong marketing and promotional materials and efforts, with outreach to international and national filmmakers.
4. Evidence of reasonable fees.

Fiscal Position and Capacity (20 percent)

1. Organization develops thoughtful, rational plans for the festival's financial sustainability.
2. Demonstrated staff capacity to administer award and carry out the event.
3. Realistic budget including diverse sponsorships.

REVIEW PROCESS

1. All proposals will be reviewed by an independent panel which may include City staff, Film Committee members and local, regional or national experts and patrons.
2. Applicants will be reviewed and scored based on submitted applications and established criteria.
3. Film Committee will review preliminary funding recommendations during a publically held meeting.
4. San Antonio Arts Commission (SAAC) will make final funding recommendations during a publically held meeting. For contracts below \$50,000, final approval will be made by Department of Arts & Culture Staff, subject to availability of funds.
5. City Council makes all final funding approvals for contracts over \$50,000.

CONSIDERATIONS FOR DETERMINING FUNDING RECOMMENDATIONS

1. Applications scoring below 75 (scoring of 74.5 to 74.99 will be rounded up to 75) will not be eligible for funding through the Film Festivals Funding Program; however, applicant may be qualified for other funding sources, if available.
2. Application total score (the City will consider all scores and comments provided by the panelists).
3. Equity of Programmatic Service to ensure that dollars support a balance of artistic and cultural offerings to existing and new audiences.
4. Total funds available annually for programmatic disbursement, including dollars allocated to this program.

GENERAL POLICIES

The following apply to all programs, but set policies are detailed further within each individual Program section.

1. The City reserves the right to suspend, defer or cancel all or part of the funding process at any time.
2. All organizations receiving a total city investment of \$250,000 or more must submit an annual audit report from an independent CPA.
3. SAAC and Staff have the option to recommend adjustments to levels of annual awards if an organization's service levels or financial history is or becomes unstable. The Department of Arts & Culture Executive Director or City Manager has the final authority to make adjustments or reallocation of awards to existing or new organizations, programs or projects during the course of the year. Adjustments or reallocations that would bring a contract above \$50,000 or are outside the director's approval authority are subject to City Council approval.
4. Members of the Film Committee or SAAC can apply and/or be part of a collaborative application for funding for Film Festivals, but he/she must recuse him/herself from any votes and cannot discuss their application with any other committee/commission member during the application and review process. Any violation of this activity immediately disqualifies the application.
5. All awarded organizations are subject to comply with the specific funding program's requirements and contract obligations.
6. Film Festivals will not be considered for funding through the Department of Arts & Culture's Arts Funding Program.

THE FILM OFFICE WILL NOT FUND THE FOLLOWING

1. Scholarships, purchase awards, or cash prizes.*
2. Benefits and projects planned primarily for fundraising purposes.
3. Deficiencies in previously completed projects or unanticipated costs in ongoing projects or payment of prior deficits.
4. Social functions, parties and receptions, including food and beverage. *
5. Loans, fines, penalties, costs of litigation or associated interest payments.
6. Non-profit agencies and foundations that directly support City Departments.
7. Accredited academic teaching institutions, and departments thereof.

*Costs of these items may be included in the total budget/cost for the festival, but may not be paid by city funds.

ASSURANCES

All applicants for funding programs must execute an Assurances Form certifying that s(he) is authorized to submit a Proposal and that, at the time of application, the applicant assures that:

1. The activities and services for which financial assistance is sought will be administered by the applicant organization.
2. As a party to any resultant contract, Applicant understands and agrees to comply with the Non-Discrimination Policy of the City of San Antonio contained in Chapter 2, Article X of the City Code and further, shall not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, veteran status, age or disability, unless exempted by state or federal law, or as otherwise established herein.
3. It is not knowingly fostering, encouraging, promoting, or funding any project, production, workshop, and/or program that includes obscene material as defined in Section 43.21, Penal Code of Texas.
4. It will not identify the City as a funding provider for any events and activities for which City has not authorized funding. Only events and activities identified in the contract shall be considered to be authorized for funding by the City.
5. It will maintain auditable financial records reflecting Generally Accepted Accounting Principles related to its overall activities, submit itemized reports or expenditures as required by established City procedures, and submit timely reports reflecting the progress made in achieving its approved goals and objectives.
6. It will comply with the City's Ethics Code, particularly Section 2-61 that prohibits a person or entity seeking a City contract – or any other person acting on behalf of such a person or

entity – from contacting City officials or their staff, regarding such contract, from the time the application opens to the time such contract is posted as a City Council agenda item.

APPEALS PROCESS

Applicants may submit a written appeal in response to the Film Committee preliminary funding recommendation only if the applicant can demonstrate that one of the following occurred:

1. The Film Office failed to follow published application and review procedures.
2. Undue influence was placed on the Review Committee or SAAC by a member(s) with an undisclosed conflict of interest.
3. The Review Committee's, Film Committee's or SAAC decision was based on insufficient information through no fault of the applicant.
4. The Review Committee's or SAAC Film Committee's decision was based on information not related to the proposed outcome of the application.

Staff will determine whether an appeal meets one or more of the above requirements and is eligible for review by SAAC.

At a second public meeting, after review of eligible appeals, SAAC will issue final funding recommendations.

SAAC makes final funding recommendations based on the following:

1. Staff and SAAC Film Committee's preliminary funding recommendations.
2. Appeals considerations (considered in writing only).
3. Applicants' Scores and Comments from the Review Committee members.

Funding awards will be made without discrimination and will comply with all applicable local, state and national laws.