

**City of San Diego
Commission for Arts and Culture**

**Transient Occupancy Tax (TOT)
Funding for Arts and Culture**

Panel Handbook

This handbook is intended as a brief summary of the City of San Diego Commission for Arts and Culture's panel selection and contract for services application review processes. It is important that you read this entire booklet in order to become familiar with the Commission's policies and procedures and what is expected of you as a panelist.

Review panels play a vital part in the Commission's contracting process. Each year, more than 30 volunteer panelists from throughout the San Diego community contribute their time and knowledge to help make the distribution of Transient Occupancy Tax funds to arts and culture organizations and projects a fair and open process. Your participation on a review panel will give you the opportunity to meet other professionals, community leaders, to discuss issues of aesthetics and current trends, and to get a first-hand perspective on San Diego's arts and culture industry.

Although there are difficult decisions to be made, we are certain that you will find your experience as a panelist educational and rewarding.

Please note that this handbook does not address policy and procedures governing other panels that function within the Commission, such as public art or artist selection panels. For more information concerning the policies and procedures governing other Commission panels, please contact Victoria Hamilton, Executive Director at (619) 236-6778.

I. PANEL SELECTION AND NOMINATIONS

The Commission convenes several panels each year, depending on the number of categories or disciplines within each program. Typically, panels review applications for the following programs and funding categories.

Organizational Support Program – Level I and Level II

Organizational Support Program – Level III

Creative Communities San Diego

The criteria used in making panel selections include the following:

A. Selection Criteria

1. Representation from the Commission
2. Professional qualifications and experience or knowledge of a particular arts and culture field
3. In-depth knowledge of the San Diego arts and culture community and/or San Diego neighborhoods
4. Communication and decision-making skills, and ability to work well in a group
5. Geographic residency
6. Diversity – race, culture, ethnicity, age, socioeconomic class, sexual orientation, etc.
7. Past performance as a panelist, Commission committee member or volunteer

B. Nominating Process

Any interested San Diego County resident or organization headquartered in San Diego County may make a nomination. Nominations are solicited from the following entities:

- From existing and former Commissioners
- From existing contractors receiving funding from the Commission
- From the general public

A nominating committee appointed by the Commission Chair selects panelists. The nominating committee submits a proposed slate to the full Commission, which modifies or adopts it at a scheduled Commission meeting.

The Commission retains the applications of community members who have been nominated for service but not appointed on file for one year. During this one-year period, the individual may be asked to serve on other panels as appropriate.

C. Membership and Terms

Panels contain a maximum of nine (9) members plus alternates. Each panel must have a minority of Commissioners. The panel composition should achieve a balanced representation of individuals with the qualifications discussed above.

Panelists are appointed for a one-year term, but may be reappointed for up to three consecutive years. However, reappointment may depend upon panelist availability, willingness and ability to serve. Community members may be eligible to serve again after a one-year absence.

A Commissioner may serve no more than two (2) consecutive years on any given panel. Every Commissioner should have an opportunity to serve on all panels during the term of office. Commissioners continually rotate panel service.

I. PANEL RESPONSIBILITIES AND CONDUCT

Panelists appointed to serve must be able to fulfill the following responsibilities:

1. Read and become familiar with written applications and supplementary materials provided prior to the panel meeting.
2. Attend orientation meeting and participate fully in panel meetings.
3. Consider and review each application according to written and published program guidelines.
4. Refer all applicant contact to the Commission staff.
5. Declare all actual or apparent conflicts of interest prior to the discussion of any application.

A. Contact With Applicants

Panelists may not meet with applicants prior to the application review meetings on matters relating to their application to the Commission. However, this does not preclude attendance by panelists at arts and cultural events.

In addition, panelists are requested not to discuss the proceedings and deliberation of the panel following the review meeting and prior to final action by the governing body of the Commission. The Commission makes this request so those panelists do not compromise themselves. For information concerning application review and panel procedures, applicants should be encouraged to attend panel meeting, which are open to the public, to review their panel comments or to contact Commission staff.

B. Conflict of Interest Guidelines

Declaring a conflict of interest does not mean that a panelist cannot serve; it simply means that the panelist may not discuss or vote on those applicants with which the conflict exists. A panelist who has a “potential” conflict of interest shall disclose the potential conflict of interest to the Commission staff before the application review process begins. Review panelists declaring conflicts of interest will be asked to leave the room during discussion and voting on those applicants with which they have a conflict.

Commission conflict of interest guidelines are intended to implement the Conflict of interest Code that is adopted by the City Council under the California Political Reform Act. It is also intended to implement the City Council’s Policy No. 000-4, which is the code of Ethics for all city employees and board and commission members. In particular, these guidelines assist Commissioners and community members who serve as panelists in determining when they should disqualify themselves from participating in discussions and decisions.

Definitions for the purpose of this policy:

1. “Financial Interests” include:

- Receipt of gifts of \$360 or more in value in the previous twelve months from an applicant organization
- Receipt or promise of income (e.g., salary) from an applicant organization in the previous 12 months

Having an investment of \$1,000 or more (for example, is a sole or part owner of) an applicant organization

Holding a position of management or serving on the board of an applicant organization, whether in a paid or unpaid position, within the previous twelve months, and

Owning real estate with a value of \$1,000 with an applicant organization (for example, both being part owners of a building)

2. Financial interest does not include donations or ticket subscriptions to an applicant organization
3. “Immediate family” means the spouse and dependent children

Disqualification from Participating in Certain Decisions While on the Panel

1. Actual Conflicts

For purposes of disqualification from participating in or making decisions as a panel member, an “actual” conflict of interest exists if a panel member (or member of panelist’s immediate family” has a “financial interest” in one of the applicant organizations that appears before the panel for review. If an actual conflict of interest is determined to exist, the panelist must disclose the nature of the conflict and should disqualify him or herself from participating in discussions in, or making decisions on, any matter affecting the application. The panelist should probably leave the room during discussions and voting on matters affecting the applicant organization.

2. Apparent Conflicts

Although there is no “financial interest” and therefore no actual conflict of interest, sometimes a panelist may find that he or she is so strongly attached to a particular organization that the panelist cannot be fair to other organizations that are competing for the same funding. Likewise, a panelist may feel a strong animosity for a particular organization for reasons unrelated to “financial interests” in that or a rival organization. This is what is known as “apparent conflicts” as opposed to “actual conflicts”. If a panelist’s personal feelings are so strong that his or her judgement will be impaired and that he or she could not fulfill the duties of a panel member, then the panelist should refrain from participating in discussions or voting on matters giving rise to the “apparent conflict”.

III. PANEL MEETINGS

A. Preparation

Panel meetings are held at sites, which are physically and geographically accessible to the public and to the panelists. The length of the meetings varies according to the number of applications received in each program area. Review panelists are normally notified of panel meeting dates and times at least two weeks in advance. As volunteers, panelists receive no compensation for their service. However, the Commission validates parking at the Concourse parking garage and provides meals as appropriate.

The Commission highly values the time and energy contributed to the application review process by the panelist and makes every effort to insure that submitted applications have been thoroughly screened for eligibility and completeness. Panelists are encouraged to call on staff for technical assistance and to request outside expertise in evaluating applications when deemed necessary.

B. Panelist Training and Orientation

Panelists receive a training and orientation to familiarize them with the panel review process prior to the meeting. All panelists are required to attend.

Ideally, panelists will receive written notification of the availability of their application copies. No one will be allowed to serve on a panel if he or she has not received the application copies prior to the meeting. Application review packets may include panel comments and rankings from previous years, site visit, final performance and contract compliance reports, applicant worksheets and other information compiled by staff in its preliminary examination of the applications.

C. Meeting Format

By law, all Commission business meetings, including panel review meetings are open to the public and applicants are encouraged to attend. Open meetings make it possible for applicants and other constituents to gain a better understanding of Commission policies and procedures. In addition, open panel meetings further enhance the review as a conscientious and democratic process.

Public comment during panel meetings is allowed before the process begins and for no more than one (1) minute per speaker, regardless of the number of individuals wishing to speak. Only comments concerning the agenda or the review process are permitted. Requests to speak must be submitted to the facilitator before the meeting begins. To prevent or avoid the appearance of public lobbying, panelists are discouraged from interacting with applicants during the meeting or any scheduled breaks.

APPLICATION EVALUATION PROCESS

Review panelists are responsible for evaluation and ranking applications. These ranks are presented to the Commission Funding Committee, which is empowered to make final funding recommendations to the Commission.

Staff members who do not participate in the evaluating or ranking of applications facilitate panel review meetings. Before attending the meeting, each panelist should have already thoroughly read each application and written preliminary notes. Before the adjudication process begins, panelists are asked to declare any actual or apparent conflicts of interest that are anticipated to occur during panel discussions.

Panelists are instructed to evaluate applications on the basis of specific criteria published in the application guidelines. Depending on the funding category, they may also consider each applicant's current contractual performance (if applicable), the appropriateness of the project goals and objectives based on the project description, the budget summary and how accurately it supports the project goals and objectives. Any clarification of the review process will be provided before the group discussion begins.

A. Panel Comments

Advisory panelists play important roles in the application review process. Their written and verbal comments concerning the applicant's funding proposal provide objective and substantiated information upon which evaluations can be made. Good comments are those that solidly address the quality of the applicant's overall proposal as it related to the funding program's review criteria. The best comments are tactful and well balanced. They share suggestions that may guide the improvement of the applicant's approach in future proposals.

Do not . . .

Penalize an applicant because you feel the institution doesn't need money – remember that any eligible organization may apply for and receive TOT funding, regardless of need

- Use prior or outside knowledge of an applicant organization. Base your comments only on the information provided
- Impose your own standards – evaluate the applications in terms of accepted professional practices, not personal opinions
- Make sarcastic or derogatory remarks – offer suggestions for improvement rather than harsh or mean spirited criticism
- Question an applicant's honesty or integrity

Offer or ask for irrelevant or extraneous information – your comments should concern only the information of applicants

- Use the following words and phrases that tend to be used in a negative context. They may make an otherwise useful comment insulting or unhelpful:

bizarre	deep-six/round file	fictitious
intolerable	unsophisticated	unscholarly
parochial	pedantic	stagnated
tired	travesty	unexciting
unimaginative	uninspired	weird

Although each application is unique and deserves its own unique responses, you may find the following sample comments helpful in developing your own. Remember, these are samples only and should not limit or restrict your personal responses.

Sample Panel Comments

Overall, the application does not address the review criteria with sufficient detail.

Objectives are neither measurable nor clearly stated. It is not clear how programming will be implemented. The objectives also do not tie-back to the budget.

The samples of publications were good evidence of program quality.

The partnership with the community youth center is a good first-time collaborative effort. More efforts to involve the center's board members and volunteers in planning might be considered in the future.

The budget had several mathematical errors and annotated budget notes were not included as instructed. Presenting an application free of technical errors demonstrates an ability to pay attention to details.

Staff is available to provide technical assistance and review of drafts given sufficient time prior to the application deadline.

B. Ranking System

The panel's review of applications and work samples is a multi-step process and involves assigning numerical ranks to an application.

In Round One, the panelists discuss each application's merits based on the program's review criteria. These discussions allow the panelists to share their observations of the application. The justification for the ranking should come to the forefront through this method. All support materials should be reviewed in advance of the panel meeting and may be discussed at the panel meeting.

Staff keeps a written record of individual panelist comments. These comments are read aloud before the panel ranking process begins. Panelists vote according to the four-point ranking system described below. The ranks are totaled, assigned a numerical equivalent and averaged for an initial score. Olympic scoring (eliminating the high and low score) may be used to determine the average rank.

In Round Two, applicants are clustered by rank from the highest to the lowest rank. That is, all the "4's" are grouped together, all the "3's" and so on. The panel will now consider categories of rankings, not each individual applicant, as was the case in Round One. Rank adjustments may take place when the panel finds that an applicant is clearly out of place within the cluster. This process is not meant to reopen Round One.

The Commission has adopted a **Four Point Ranking System** that is consistently used in all its allocations processes.

The ranks of 4 (4, 4-) designate an applicant as the highest priority for funding. Applications ranked "4" are considered to be "model" in stature; and given the nature of the art and culture discipline or genre, and the resources of the community, etc. Meet all the review criteria to the highest degree possible.

If there are no "model" applications, no "4" rankings should be given; this is not a grading curve but a rarified achievement of near perfection given the criteria.

The ranks of 3 (3+, 3, 3-) are considered good. Some improvements or development is needed.

The ranks of 2 (2+, 2, 2-) are considered marginally fundable. Funding, if available, may be awarded once all the "4" and "3" applications are awarded funding. These applications have some merit, but do not meet the criteria in a strong or solid way.

The rank of 1 is not fundable under any circumstance, inappropriate for Commission support, extremely marginal in quality, etc. This application would not receive funding even if funding were available.

C. Adjusting Ranks

Roberts Rules of Order are followed in the process of adjusting ranks during Round two:

Adjustments in rank, up or down one step (e.g., from 3+ to 4-) must have a majority vote in order to be approved;

Adjustments in rank up or down two points (e.g., from a 4- to a 3) must have a unanimous approval

D. Special Circumstance Review

On a case by case basis, applications may be pulled from the evaluation process and referred by staff and/or the panel to the Commission's Funding Committee (See VII. Funding Committee) for special circumstance review. This situation typically occurs when an applicant has had a long history of receiving Commission funding but given current circumstances is in a state of organizational flux or financial instability, such that separate review is needed. Applications are not ranked by the panel.

Applicants are informed of the issues and given the option to provide additional or clarifying information to the Funding Committee for a more thorough evaluation. Requested information may vary depending upon the organization's situation, but may include more in-depth responses to the review criteria, the submittal of management reports or financial statements. Applicant responses may be in writing. Interviews with key members of the applicant's staff or board may also be requested by the Funding Committee.

The Funding Committee will base its funding recommendation on the outcome of the review process.

POLICY DEVELOPMENT

As a part of its continuing effort to serve the needs of constituents, the Commission seeks counsel from staff, panel members and the arts and culture community at large in developing program policy. At the conclusion of the panel meeting, advice from the panel is sought on every aspect of the application and review process, from program goals and eligibility requirements, to application forms, to the ranking process.

APPEAL PROCESS

Panel comments are edited for clarity and mailed with the rank to the applicants after the meeting. Included in the memorandum are instructions for applicants to follow in appealing the awarded ranks. Requests to appeal must be submitted in writing to the Commission. The Commission strongly encourages applicants to review their appeal with staff before submitting the appeal. Appellants are invited to make verbal statements

at a public hearing where Commissioners and/or community panelists will consider appeal requests and vote on final recommendations. Appeals are based solely on two possible grounds:

A material misstatement or misstatements by the review panel of factual information contained in the application such that it negatively influenced the panel's evaluation of the applicant's request for funding, and/or;

Incorrect processing of the required application materials such that it negatively influenced the panel's evaluation of the applicant's request for funding.

Notes: Dissatisfaction with an award's denial or ranking is not sufficient ground for an appeal. The appeals process is not a forum for correcting information that was incorrectly stated in or omitted from the application.

The Hearing

Organizational Support Program and Creative Communities San Diego appeals are heard by the full body of the Commission. To prepare for the hearing, Commissioners will receive the following information in advance:

- A copy of the appellant's statement citing permissible grounds for the appeal
- A copy of the appellant's application
- A copy of the edited panel comment and rank
- A staff report, if applicable

Commissioners will be instructed by the Commission Chair or staff on how the appeals process works at the beginning of the hearing. After submitting a "Permission to Speak" slip, appellants follow the hearing agenda and present a timed 3-minute appeal statement. The appellant may present no information or materials not previously submitted with its application.

Final Rank Adjustments

A motion must be made and seconded before discussion of a rank adjustment may occur. Commissioners may discuss the motion among themselves and ask the appellant (if present) questions directly relating to the appeal. All motions must receive a simple majority vote to pass. The Chair will only enter a vote to break a tie.

A motion may be made to increase an organization's rank by one step by any Commissioner, for example, from a 3- to a 3. However, only under extraordinary circumstances, such as an organization's considerable history of achievement, may an appellant's rank be increased a maximum of two steps, for example, from a 3- to a 3+. Only a Commissioner who served on the relevant Organizational Support Program or other funding panel may make a motion to increase an appellant's rank more than one step for a maximum of two steps. All ranks are final immediately after the appeal hearing.

FUNDING COMMITTEE

After the appeal process has been completed, final ranks are forwarded to the Commission Funding Committee for review. The Funding Committee may consist of the application review panel members or a specially appointed committee of Commissioners.

The Funding Committee makes funding recommendations based upon the following criteria:

Panel rankings and recommendations

The availability of funds

Other criteria determined by the Commission through recommendations from the Policy Committee

Findings from the Special Circumstance Review process (See IV. D. Special Circumstance Review)

The Funding Committee recommendations are submitted to the Executive Committee. The Executive Committee reviews the outcome of the entire allocations process including the panel comments, ranks, policy and funding recommendations. The Executive Committee recommendation for funding is submitted to the full body of the Commission. If approved, the Commission's recommendation for funding is made to the City Mayor for approval.

FAQs
Frequently Asked Questions (and Answers)

Q: As a panelist, will I be recommending funding for applicants?

A: No. Your job is to evaluate the applications and to assign a rank. A separate funding committee, consisting of Commissioners, recommends funding.

Q: Are we required to do site visits before serving on the panel?

A: Panelists are not required to make site visits. Commissioners and trained volunteers make site visits throughout the year. However, to enhance your own understanding of different art forms, we always encourage panelists to see and hear the work of our applicants as opportunities arise.

Q: If an applicant approaches me after the panel meeting, may I discuss the outcome of the panel deliberations?

A: You must be very careful in these situations even though the panel meetings are open to the public and the evaluation process has been completed. You may speak in general about the proceedings, for example, when the panel meeting was held, who served on the panel, how many applications you reviewed, etc. However, specific information concerning the applicant's rank or any comments made during the evaluation process should be avoided. To insure that the most accurate information is conveyed, applicants should be encouraged to contact the Commission staff with their questions.

Q: I know a great deal about certain art disciplines but very little about others. Will I still be able to serve as a panelist?

A: Absolutely! We carefully selected the members of the panel to insure a diversity of professional backgrounds and talents. The expertise and combined strengths of all the panelists are what makes the evaluation process effective.

Q: If I am privy to information about an applicant, that would have an impact on the evaluation process, shouldn't I share it with my fellow panelists?

A: We ask panelists to limit their evaluations to information contained within the applications. Outside knowledge or hear-say is not considered as we are never certain of the accuracy of the information and do not wish to arbitrarily penalize or reward applicants based on unsubstantiated information. We do encourage panelists to draw on their professional knowledge whenever possible in evaluating applications.