



**BYLAWS
OF THE
ARKANSAS NATURAL AND CULTURAL
RESOURCES COUNCIL**

November 13, 2002

ARTICLE I

Name

The name of this council shall be the Arkansas Natural and Cultural Resources Council, herein referred to as the Council.

ARTICLE II

Purpose

The purpose of this Council shall be to administer the Natural and Cultural Resources Grants and Trust Fund, established by Arkansas Act 729 of 1987 (now codified as Arkansas Code Annotated 15-12-101 through 15-12-103) and to administer and approve all grants payable from the fund, pursuant to A. C. A. 15-12-101 through 15-12-103. The Natural and Cultural Resources Grants and Trust Fund is to be managed for the acquisition, management, and stewardship of State-owned lands, or the preservation of State-owned historic sites, buildings, structures, or objects which the Council

determines to be of value for recreation or conservation purposes, said properties to be used, preserved, and conserved for the benefit of present and future generations.

ARTICLE III

Public Information

1. All actions taken by the Council and all procedures will conform to the Arkansas Administrative Procedures Act and the Arkansas Freedom of Information Act.
2. Each regular meeting of the Council will include an agenda item for the purpose of public comment.
3. Information on the Council will be provided to interested persons. The information will include a description of the Council's organization, stating the general course and method of its operations, and the method by which the public may obtain information or make submissions or requests. Interested persons may receive information by contacting the Council's Secretary/Disbursing Officer, the Director of the Department of Arkansas Heritage.

ARTICLE IV

Members

Section 1. Members

The Council shall consist of eleven (11) voting members, as follows:

- (1) the Director of the Department of Arkansas Parks and Tourism;
- (2) the Director of the Department of Arkansas Heritage;
- (3) the Chairman of the State Parks, Recreation and Travel Commission or his designee;
- (4) the Chairman of the Natural Heritage Commission or his designee;
- (5) the Commissioner of State Lands;
- (6) a resident elector of the State of Arkansas as a public member, to be appointed by the Governor, who is a representative of recreation groups, conservation groups, or other groups interested in the wise use, preservation, and conservation of Arkansas' natural or cultural resources, with the appointment to be made by the Governor, insofar as possible, from names recommended to the Governor by groups representative of such organizations, with the member representing urban areas;
- (7) a resident elector of the State of Arkansas as a public member representing rural areas, to be appointed by the Governor, who is a representative of recreation groups, conservation groups, or other groups interested in the wise use, preservation, and conservation of Arkansas' natural or cultural resources, with the appointment to be made by the Governor from a list of names submitted to the Governor by the Arkansas Forestry Association;

- (8) one (1) member to represent Arkansas cities and towns, to be named by the Governor from a list of three names recommended to the Governor by the Arkansas Municipal League;
- (9) one (1) member to represent Arkansas counties, to be appointed by the Governor from a list of three names submitted to the Governor by the Arkansas County Judges Association;
- (10) a member to be appointed by the Speaker of the Arkansas House of Representatives; and
- (11) a member to be appointed by the President Pro Tempore of the Arkansas State Senate.

Section 2. Payment for Members

Members of the Council shall serve without pay, provided that: (a) the Director of the Department of Parks and Tourism; the Director of the Department of Arkansas Heritage; the Chairman of the Arkansas Parks, Recreation, and Tourism Commission or his designee; and the Chairman of the Natural Heritage Commission or his designee; and the Commissioner of State Lands shall be entitled to reimbursement for reasonable and necessary meals, lodging, and travel for attending meetings of the Council, with such allowances to be paid from funds appropriated for the support of their respective agencies; and (b) the appointees to the Council, including the city and county representatives thereon, shall be entitled to reimbursement for reasonable and necessary expenses incurred for meals, lodging, and travel in attending Council meetings, to be paid from funds appropriated for the support of the Department of Arkansas Heritage.

Section 3. Attendance

Any member appointed by the Governor to serve as a Council member who shall be absent from two (2) successive regular meetings shall be subject to removal in the event he fails to present to the Council's Secretary/Disbursing Officer on behalf of the Governor a satisfactory excuse for such absence; and in that event, such unexcused absence shall constitute sufficient cause for removal, pursuant to Arkansas Code Annotated 25-17-211.

Any Council member who shall be absent from three (3) successive regular meetings, for any reason other than illness of such member, verified by a written sworn statement by his attending physician and entered in the minutes of the Council, shall thereby forfeit and vacate his membership on the Council and such forfeiture and vacancy shall be forthwith certified to the Governor by the Secretary/Disbursing Officer of the Council, pursuant to A. C. A. 25-17-211.

In the event of an emergency, the Director of the Department of Arkansas Heritage, the Director of the Department of Arkansas Parks and Tourism, and the Commissioner of State Lands each may send a designee to represent him. The Directors of the Department of Arkansas Heritage and the Department of Arkansas Parks and Tourism must have approval from the Governor prior to sending a designee.

No action may be taken by the Council if there are more than three designees in attendance.

Section 4. Code of Ethics

- (a) All members of the Council shall comply with the Arkansas Code of Ethics Law, Arkansas Code Annotated 21-8-301 through 21-8-309, or any successor act thereto.
- (b) No Council member shall use his position to secure special privileges or exemption for himself, his spouse, child, parents or other persons standing in the first degree of relationship, or for those with whom he has a substantial financial relationship, that are not available to others, except as may be otherwise provided by law, pursuant to the Arkansas Code of Ethics Law, A. C. A. 21-8-301 through 21-8-309, or any successor act thereto.
- (c) No Council member shall accept employment or engage in any public or professional activity while serving as a public official which he might reasonably expect would require or induce him to disclose any information acquired by him by reason of his official position which is declared by law or regulation to be confidential, nor shall any member disclose any such information gained by reason of his position, nor shall he otherwise use such information for his personal gain or benefit.
- (d) Members shall state any personal or financial past/current or anticipated interest concerning the item to be discussed and then may participate in that discussion.
- (e) A members shall abstain from any official action taken by the Council concerning any item in which he has a conflict of interest, except in instances in which a Council member is representing the department, agency, commission, office, or group he is designated by legislation to represent on the Council.

ARTICLE V

Officers

Section 1. Officers

The officers of the Council shall be a Chairman, a Vice-chairman, and a Secretary/Disbursing Officer. These officers shall perform the duties prescribed by these bylaws and by the parliamentary authority adopted by the Council. All officers shall be elected by ballot by the members of the Council, except the Secretary/Disbursing Officer who shall be the Director of the Department of Arkansas Heritage, pursuant to Act 729 of 1987, as codified in Arkansas Code Annotated 15-12-101. Ballots shall be dispensed with by a unanimous vote when there is one candidate for office.

- (a) **Chairman:** The Chairman of the Council shall be a member of the Council and shall be chosen by the members of the Council. The Chairman shall preside at all meetings.
- (b) **Vice-Chairman:** The Vice-Chairman of the Council shall be a member of the Council and shall be chosen by the members of the Council. The Vice-Chairman shall preside in the absence of the Chairman.

- (c) Secretary/Disbursing Officer: The Secretary/Disbursing Officer shall be the Director of the Department of Arkansas Heritage. The Secretary/Disbursing Officer shall prepare the minutes of the Council meetings for approval by the Council. The Director of the Department of Arkansas Heritage shall serve as Disbursing Officer of any funds appropriated for or administered by the Council.

Section 2. Duties of the Officers

The Officers shall have general supervision of the affairs of the Council between its regular meetings; fix the hour, place, and agendas of meetings; make recommendations to the Council; and approve emergency grants. The Officers shall be subject to the orders of the Council, and none of their acts shall conflict with action taken by the Council.

Section 3. Meetings of the Officers

Meetings of the Officers may be called by the Chairman and shall be called upon the written request of two of the Officers.

Section 4. Terms of Office

- (a) The officers, except the Secretary/Disbursing Officer, shall be elected by ballot to serve for one year or until their successors are elected, and their term of office shall begin at the close of the annual meeting at which they are elected.
- (b) No officer shall be eligible to serve for more than two (2) consecutive terms in the same office, other than the Secretary/Disbursing Officer.
- (c) If there is a vacancy in the Chairmanship, the Vice-Chairman shall become Chairman for the remainder of the term. If the Vice-Chairmanship becomes vacant, a new Vice-Chairman shall be elected by ballot by the Council's members.

ARTICLE VI

Meetings

Section 1. Annual Meeting

The Council will meet annually for the purposes of assessing the amount of funds available for grant awards, to make grants, to review reports, to review and make any needed changes in policies and procedures, to elect officers, to establish the next year's meeting dates, and other purposes.

Section 2. Regular Meetings

The Council shall meet in regular session at least three times per year and shall meet in special session as often as its business may require, pursuant to Arkansas Code Annotated 25-17-208. All meetings shall be open to the public except as noted in A. C. A. 25-17-208.

Section 3. Special Called Meetings

The Council shall meet on call of the Chairman, or upon written request of four (4) or more members. The purpose of the meeting shall be stated in the call. Action taken by the Council at a special called meeting will be limited to the purpose of the meeting. Reasonable notice of special called meetings will be given to each Council member.

Section 4. Notice of Meetings and Agendas

Each Council member and each person who shall have requested notice, shall receive a written agenda of upcoming regular meetings, not later than two weeks prior to the meeting date.

Action may be taken by the Council only on items included on the agenda. Changes to a meeting's agenda may be made by a 2/3 (two-thirds) vote of the members.

Section 5. Quorum and Action Taken

A majority of voting members of the Council shall constitute a quorum.

All action taken by the Council shall be by affirmative vote of a majority of the members of the Council, unless otherwise specified in the Bylaws and Grant Funding and Application Procedures.

Section 6. Committee Meetings

Committee meetings may be called by the respective Chairman of each committee. Decisions may be made by a majority vote of the committee. Committee meetings will follow the Arkansas Freedom of Information Act.

ARTICLE VII

Committees

The Chairman shall appoint committee members for standing or special committees as the Council or Officers shall from time to time deem necessary to carry on the work of the Council. The Chairman shall be ex officio a member of all committees, except a nominating committee for Council Officers.

ARTICLE VIII

Parliamentary Authority

The rules contained in the most recently published edition of Robert's Rules of Order Newly Revised shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Council may adopt.

ARTICLE IX

Amendment of Bylaws

These bylaws may be amended at any regular meeting of the Council by a two-thirds (6 votes) vote from the members, provided that the amendment has been submitted in writing at the previous regular meeting. The Council will follow the procedures specified in the Arkansas Administrative Procedures Act for the adoption of amended bylaws.

ARTICLE X

Fiscal Procedures

Section 1. Fiscal Year

The Council will operate on the State of Arkansas' fiscal year.

Section 2. Budget

The Council may establish an annual budget for administrative expenses funded by the Natural and Cultural Resources Grants and Trust Fund. The budget will be approved by the full Council and administered by the Secretary/Disbursing Officer. All expenditures will be in accordance with the State General Accounting and Budgetary Procedures Law.

Section 3. Compliance with Other Laws

Disbursement of funds shall be limited to the appropriation for the Council and funds made available by law for the support of the Council's appropriation. The restrictions of the fiscal control laws of the State of Arkansas, where applicable, and regulations promulgated by the Department of Finance and Administration as authorized by law, shall be strictly complied with in disbursement of funds. Contracts for any professional or consultant services shall be subject to State Contract restrictions.

Section 4. Auditing

The financial operations of the Council shall be subject to auditing by the Arkansas State Legislative Audit staff. Each grantee shall be responsible for the retention of records according to State law.

ARTICLE XI

Grant Funding and Application Procedures

Section 1. Grant Funding and Application Procedures

There shall be special rules of procedure followed by the Council for the administration of the Natural and Cultural Resources Grants and Trust Fund, and for the administration and approval of all grants payable from the fund.

Section 2. Amendments

Amendments to the special rules of procedure shall require a notice of two weeks and a two-thirds vote of the members.

Section 3. Suspension

A suspension of the rules of procedure requires a two-thirds vote of the members.

ARTICLE XII

Grants, Donations, and Contracts

Section 1. Grants

The Council shall have the power to participate in federal or other grant opportunities obtainable through the use of the Fund.

Section 2. Donations

The Council shall have the right to receive gifts, grants, and donations from private and public sources; and to sell or dispose of such as the Council deems advisable. Any and all such donations shall be used solely for the purpose of carrying out the provisions of Act 729 of 1987, as codified in Arkansas Code Annotated 15-12-101 through 15-12-103.

Section 3. Contracts

The Council may enter into any contract necessary to accomplish the purposes of Act 729 of 1987, as codified in Arkansas Code Annotated 15-12-101 through 15-12-103, provided that the contract is secured through State of Arkansas procedures.



ARKANSAS NATURAL AND CULTURAL RESOURCES COUNCIL

GRANT FUNDING AND APPLICATION PROCEDURES

- I. ACCRUAL OF FUNDS**

- II. GRANT PROGRAMS**

- III. APPLICATION FOR FUNDS**

ARKANSAS NATURAL AND CULTURAL RESOURCES COUNCIL

GRANT FUNDING AND APPLICATION PROCEDURES

I. Accrual of Funds

- A. Funds will be collected and deposited pursuant to the purposes as stated in Act 729 of 1987, as codified in Arkansas Code Annotated 15-12-101 through 15-12-103.
- B. The ten percent (10%) credited to the Natural and Cultural Resources Historic Preservation Fund (Act 729 of 1987, A. C. A. 15-12-101 through 15-12-103) shall be divided between the Arkansas Historic Preservation Program and the Main Street Arkansas Program in a manner determined by the Director of the Arkansas Historic Preservation Program. Such funds shall be transferred to such accounts, using the percentages approved by the Council, as funds are received from the real estate transfer tax.

The Arkansas Historic Preservation Program and the Main Street Arkansas Program shall be required to file a financial report for expenditures as of June 30 of each year. The report shall be filed with the Council's Secretary/Disbursing Officer no later than July 31 of each year.

- C. The ten percent (10%) credited to the Parks and Tourism Fund, to be used by the Department of Parks and Tourism, shall be distributed directly to the Department of Parks and Tourism.

The Department of Parks and Tourism shall file a financial report for expenditures as of June 30 of each year. This report shall be filed with the Council's Secretary/Disbursing Officer no later than July 31 of each year.

- D. Beginning in the State fiscal year 1989, the first complete cycle will be established whereby funds collected in a previous twelve month period (May - April) for the Natural and Cultural Resources Grants and Trust Fund, may not be expended until the first day of July following the April of collection, unless emergency procedures are followed. Funds for granting in May, 1989, would be those collected in May, 1988 - April, 1989.

II. Grant Programs

A. Trust Fund

There shall be established within the Natural and Cultural Resources Grants and Trust Fund a separate and segregated account for the purpose of ensuring the viability of the program through the creation of an inviolate corpus (principal account). Interest drawn from such corpus will be deposited into the Natural and Cultural Resources Council Grants Fund to continue the Council's purposes.

A percentage, determined by the Council, but no less than one percent (1%) of the receipts from the prior twelve month period (May - April), shall be annually deposited into such account.

B. Annual Grants

Projects funded during a regular annual grant period. These grants are submitted through the regular annual grant cycle with projects and expenditures occurring between July 1 and June 30 of each year.

C. Emergency Grants

Projects for unanticipated opportunities deemed highly significant and critical for the State to fund, according to the SCORP (Statewide Comprehensive Outdoor Recreation Plan) guidelines and the Council's other review criteria. Funded through a limited amount established by the Council at the annual funding meeting and if the Council desires, through the receipt of returned funds incapable of being spent by original grantees. Emergency grants may be approved by the Council Officers up to the amount determined annually by the Council, with review by the full Council at the next regular meeting after an award is made. Awards may not be made to grants which can be submitted through the regular annual grant process.

III. Application for Funds

A. Eligibility to Apply

Applicants for funding from the Natural and Cultural Resources Grants and Trust Fund shall be agencies of the State of Arkansas which receive General Revenue funding and are authorized by law to acquire, manage, operate, or maintain State-owned lands or to preserve State-owned historic sites, buildings, structures, or objects which the Council determines to be of value for recreation or conservation purposes for the benefit of this and future generations.

B. Grant Review Criteria

1. The Council will fund projects for acquisition, management, and stewardship of State-owned lands or the preservation of State-owned historic sites, buildings, structures, or objects which the Council determines to be of value for recreation or conservation purposes; said purposes to be used, preserved, or conserved for the benefit of this and future generations.

In funding State Park improvements, the Council shall initially emphasize the restoration or renovation of existing facilities and historic structures within the system.

Projects shall be selected for funding on the basis of their conformity with these purposes, pursuant to Arkansas Act 729 of 1987, as codified in A. C. A. 15-12-101 through 15-12-103, or its successor.

To qualify for funding as a historic preservation project, a site, building, or structure must either be on, or determined eligible to be on, the National Register of Historic Places. Any question of eligibility will be determined by the Arkansas Historic Preservation Program.

2. In selecting projects to be funded, the Council shall be guided by the principles set forth in the Arkansas Statewide Comprehensive Outdoor Recreation Plan (SCORP) published by the Arkansas Department of Parks & Tourism, and the Council's review criteria, as the same may exist and be in force from time to time.
3. Other review criteria include, but are not limited to the following:

a. Resources

1. Presence of Natural Resources

- a. Exemplary natural communities.
- b. Endangered, threatened, or rare species.
- c. Outstanding geologic features.
- d. Forest resources and their potential.
- e. Water resources and their potential.
- f. International, national, or statewide significance, comparison to other known projects, proposals, or publicly-owned lands.

2. Recreational potential

3. Archeological and Historical features

- a. Known or potential sites or structures.
- b. International, national, regional or statewide significance, comparison to other known projects, proposals, or other publicly-owned lands.

b. Vulnerability and Endangerment

1. Susceptibility of the resources to degradation and/or deterioration.
2. Potential for destruction, including development plans, if any.

c. Suitability for Proposed Use

1. Features, including access and sufficient size for proposed use.
2. Manageability, including adequate boundary considerations, potential for resource protection, and proximity to other State-owned lands.
3. Adequacy of the management concept and plan, and potential for effective site management.

d. Location

1. Regional balance of available resources.
2. Area of critical State concern, if applicable.

e. Ownership Pattern

1. Number of items (parcels) and number of owners.

f. Cost

1. Acquisition cost.
2. Availability of other funding.
3. Alternative acquisition techniques, including less than fee simple acquisition, donations, mitigation agreements, and exchanges.
4. Cost for management/stewardship.

g. Conformity with other plans

1. Conformity with plans, laws, and/or regulations currently existing, developed, and/or administered by other State or Federal agencies.

h. Resource planning

1. Resource-based acquisition goals and objectives.
2. Coordination with prospective management agencies.

C. Categories of Grants

There are two categories of grants for which application may be made: annual grants and emergency grants.

1. **Annual grants** - Projects funded during a regular annual grant cycle with projects and expenditures occurring between July 1 and the following June 30.
2. **Emergency grants** - Projects for unanticipated opportunities deemed highly significant and critical for the State to fund, according to the SCORP guidelines and the Council's other review criteria. Emergency grants are funded by a limited amount established by the Council at the annual funding meeting and if the Council desires, through the receipt of returned funds incapable of being spent by original grantees.

Emergency grant award decisions are made by the Council Officers with a report made to the full Council at the next regular meeting after an award is made. Emergency grant awards may not be made to grants which can be submitted through the regular annual grant process.

D. What Is/Is Not Funded

The Council will fund projects which conform to the purposes defined in the legislation, bylaws, and grant application procedures. The Council will not fund (a) contributions or donations to other organizations or individuals; (b) entertainment expenses, including refreshments, flowers, reception costs, etc.; (c) lobbying expenses; (d) regular, full-time administrative staff for a project; nor (e) standard, on-going, operating expenses for a project. With regard to (d), this exclusion does not apply to construction personnel.

E. Types of Grants

Grants may be for acquisition, management/stewardship, or a combination of the two.

1. **Acquisition** - A grant is defined as an acquisition grant if funding is requested for the purpose of acquisition by the State.
2. **Management/Stewardship** - A grant is defined as a management/stewardship grant if funding is requested for the development of heretofore-undeveloped property, sites, or programs, and/or renovation of existing property or sites. The grant may also include requests for projects involving maintenance, preservation, improvements, management and operations, and programming.
3. **Combination** - A grant is defined as a combination grant if the grant includes a request for funding for both of the above categories.

F. Historic Property Rehabilitation and Restoration Grants

Applicants approved for funding for the preservation of historic property sites should schedule a meeting and site visit with ANCRC staff, Historic Preservation Program (AHPP) staff, the grant contact, architect, and other key project personnel. This meeting should take place prior to the submission of construction plans, demolition plans or other documents to the AHPP for review. No construction or demolition should commence prior to the approval of the AHPP.

Grant projects that include the rehabilitation or restoration of historic properties must follow the additional procedures listed below in the application process and in the implementation of the grant.

These procedures do not apply to projects which are awarded directly to subgrantees by the Arkansas Historic Preservation Program of the Department of Arkansas Heritage.

1. **Architectural Contracts.** The Council requires that an architect prepare plans and specifications for a rehabilitation/restoration project funded with Council funds. Architectural services must be obtained through the State of Arkansas procedures for obtaining professional services. A grantee with a total project cost of \$10,000.00 or more is required to engage the services of an architect licensed by the State of Arkansas. The architect will prepare and certify plans, specifications, a work-cost breakdown, and other required contract documents for submission to the Council and will supervise the project work. The requirement for an architect or a licensed architect may be waived if the Council Secretary/Disbursing Officer determines that in-house expertise is available in the applicant agency.

After a grant award is made, the architect selected by the grantee is to arrange to meet with the designated staff of the Department of Arkansas Heritage's Arkansas Historic Preservation Program to discuss the project in detail. Architectural fees can be included in the fundable expenses of the grant.

2. **Contractors.** Contractors shall be selected by means of the State of Arkansas procedures. The Council requires that a grantee with a total grant project of \$10,000.00 or above retain the services of a licensed contractor. Contractors employed by grantees shall be licensed by the Arkansas Contractors Licensing Board. Contractors shall indicate on the bid their current license number as issued by the Board. This requirement may be waived if the Council Secretary/Disbursing Officer determines that in-house expertise is available in the applicant agency. Contractors' fees may be included in the fundable expenses of the grant.
3. **Project Preparation/Plans and Specifications.** All rehabilitation/restoration grants must be in accordance with the guidelines listed in The Secretary of the Interior's Standards for Rehabilitating Historic Buildings.

If the scope of a grant project includes interior work, that work shall be made accessible to the handicapped according to the Arkansas Architectural Barriers Accessibility Act of 1989, or its successor, including considerations for historic properties.

Work completed as part of the Council grant shall also comply with the Arkansas Fire Code, including considerations for historic properties.

4. **Project Initiation.** If a grant application is for a Rehabilitation/Restoration project, the staff of the Council will route the application to the AHPP staff of the Department of Arkansas Heritage for a review of the application. This review will be in addition to the Council staff review of grants. The AHPP staff will indicate that it has reviewed the application before the application is forwarded to Council members. This review will be for the determination of the property's eligibility for listing on the National Register of Historic Places. A list of the eligibility requirements for the National Register of Historic Places as follows:
 - a. **National Register Criteria.** The quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:
 1. that are associated with events that have made a significant contribution to the broad patterns of our history; or
 2. that are associated with the lives of persons significant in our past; or
 3. that embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 4. that have yielded, or may be likely to yield, information important in prehistory or history.
 - b. **Criteria Consideration (Exceptions):** Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic building, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:
 1. a religious property deriving primary significance from architectural or artistic distinction or historical importance; or artistic distinction or historical importance; or
 2. a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

3. a cemetery which derives its primary significance from graves of persons of transcendent importance, from distinctive design features, or from association with historic events; or
4. a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
5. a property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or
6. a property achieving significance within the past 50 years if it is of exceptional importance.

After receipt of a grant award, the grantee will submit the project plans, specification, and work-cost breakdown to the designated AHPP staff. If clarification or additional information is required, the grantee will be contacted. The AHPP will review each grant project and notify the Council Secretary/Disbursing Officer of its findings. The Secretary/Disbursing Officer of the Council will mail a written notice to the grantee that work may begin on the project. The grantee must notify the Council of the date upon which construction work will begin.

5. **Review by the Arkansas Historic Preservation Program.** After project plans are reviewed, any substantive architectural or construction changes, or any changes that may compromise the historic integrity of the property, must be reviewed by the Department of Arkansas Heritage's Arkansas Historic Preservation Program. This is for changes made during the period of the grant project.

Any changes relating to architecture or construction made to the project after the project plans are approved and during construction must be reviewed and approved in writing by the Arkansas Historic Preservation Program. The staff of the AHPP will notify the Council Secretary/Disbursing Officer of the changes prior to approving them. Designated staff of the AHPP may inspect the project before, during, and after the completion of the work. The grantee and project architect are encouraged to contact the AHPP with questions at any time before or during work on the project. Grantees are encouraged to take advantage of the expertise available from the AHPP staff before beginning work on a questionable item. All project work should follow guidelines of The Secretary of the Interior's Standards as closely as possible.

The staff of the AHPP will notify the Council Secretary/Disbursing Officer of any instance of unsatisfactory work. Failure by the grantee to follow the guidelines of The Secretary of the Interior's Standards or the recommendations of the AHPP staff may result in the forfeiture of the grant's outstanding payments and a recall of already awarded funds. Further penalties are noted under the "Legal, Financial, and Reporting Requirements for Grant Recipients" section of these procedures.

6. **Appeal Process for Decisions on Historic Properties.** If a grantee disagrees with a decision made by the Arkansas Historic Preservation Program review staff, the agency may appeal the decision or recommendation to the Council Officers. This appeal shall be made in writing and filed within 20 working days of the grantee agency's receipt of the AHPP's final decision.

The Council Officers shall meet within 10 working days of receipt of the appeal (or on a date mutually agreed upon by both parties) and determine the course of action to be taken.

The Council Officers may choose to have the full Council review the appeal. If so, the Chairman of the Council shall call a special called meeting of the full Council to be held within 20 working days of the Council Officers' meeting (or on a date mutually agreed upon by both parties) to hear the appeal. The decision of the full Council shall be final.

If a grantee agency is dissatisfied with the determination made by the Council Officers, the agency may request a hearing by the full Council. The Chairman of the Council shall call a special called meeting of the full Council to be held within 20 working days of the receipt of the request for a hearing (or on a date mutually agreed upon by both parties). The decision of the full Council shall be final.

7. **Maintenance and Administration.** Grantees who own the properties assisted by Council funds must agree that the property shall be maintained to every extent possible according to The Secretary of the Interior's Standards. Additionally, the grantee must agree to give the grantor the right to inspect the property at all reasonable times to ascertain the grantee's compliance with the grant agreement.
8. **Notification of Transfer of Title.** The owner must agree to notify the Council within ninety (90) days of a transfer of title.
9. **Site Visits.** As work on the project progresses, the Council staff or designated AHPP staff may make periodic site visits to inspect the work. Once work has begun on the project, the site visits may be made without notification to the grantee.
10. **Application, Request for Funds, Signage and Reporting.** The grantees receiving Council funds for rehabilitation or restoration work will be subject to the same requirements for application, funding requests, signage, reporting, and all other requirements as those required of all other Council grantees.

G. Application Instructions

1. **Application Form** - Each grant application must include a completed Council grant application form. Grant applications may include more than one like project.

2. **Approval by Agency's Chief Officer and Board** - Each State agency applicant must certify that the grant proposal has been previously submitted to and approved by its respective institution's chief (department director, president, chancellor, etc.) and its board, commission, or council; and that it has complied with its own agency review process, including public comment, if applicable. The name and telephone number of the applicant's fiscal officer who will be handling the finances of the grant project are also required.
3. **Acquisition Project Requirements** - Agencies applying for acquisition funds must submit or have on file with the Council the procedures required for acquisition by their respective board, commission, or council, and verify that such procedures have been met.

A copy of the appraisal for the acquisition of property, and/or item must be submitted to the Council Secretary/Disbursing Officer as soon as it is received after grant awards are made. If the applicant already has an appraisal, it should be submitted with the application.

4. **Application Obligations** - Parties to a grant agreement specifically recognize that grant assistance from the Council creates an obligation to maintain the property described in the project agreement consistent with the Arkansas Natural and Cultural Resources Council Grants Act and other Council requirements.

The applicant agrees that the project is being acquired, developed, renovated, managed, or maintained with Council grant funds (or that such funds are integral to the project) and thus, without the written approval of the Council, it shall not be converted to a use that would compromise the integrity of the original grant project.

The applicant also agrees that the owner of the property being assisted by Council funds will notify the Council within ninety (90) days of a transfer of title.

By the acceptance of a Council grant, the grantee will give the Council or its designee the right to inspect the property at all reasonable times to ascertain the grantee's compliance with the grant agreement.

5. **Returned Funds** - If, for some reason, a grant project is terminated or if actual costs are less than anticipated or if the grant contract date has expired, all remaining unobligated funds will be returned to the Council. All such funds shall be reclaimed by the Council at the beginning of the new fiscal year or at the ending of a grant that is terminated mid-year.

The Council may determine if the returned funds will be added to the Council's separate Trust Fund, to the amount set aside that year for Emergency Grants, or returned to the Council's grants fund for awarding the following regular grant cycle.

6. **Grant Extensions** - If a grant project is delayed due to conditions beyond the applicant's control, the applicant may request in writing an extension of the project period. The Council will provide a form for applicants needing grant extensions. Council staff will request notice of extension needs in the spring of each year prior to the May Funding Meeting. No more than one extension shall be approved per grant.

The Council shall grant the Council Officers (as a group) the authority to grant extensions for projects having unavoidable delays. Any such extension must have the approval of a majority, two of the three Council Officers, and shall be reviewed by the full Council at the next regular meeting.

7. **Application Procedures by Category**

- a. **Annual grants** (Projects to be implemented during July of the year of the funding meeting and completed by the end of the fiscal year.) One-time extensions for annual grants will require no new funding for the extended time period.

1. Fifteen copies of the grant application will be required; however, only one copy is to be submitted by the initial deadline of March 1.

Photographs of the potential project site are requested as part of the application package.

Applicants will be encouraged to contact the Department of Arkansas Heritage staff for assistance in preparing an application prior to its submittal to lessen the chance for errors.

After the Department of Arkansas Heritage staff reviews the grant application for completeness and accuracy, the applicant will be notified to submit the remaining fourteen copies of the application by a specific date.

2. After the Department of Arkansas Heritage receives all applications they will be forwarded to the Council members no later than April 1. Failure of an applicant to submit the corrected 15 copies of a grant application by the established deadline may result in the application being disqualified.
3. At the annual funding meeting in May, the applicant may make a presentation to the Council to explain the grant proposal. The presentation will be limited to 5 minutes per application.
4. The Council will determine the projects to be awarded at the annual funding meeting. If a proposal is approved, all forms needed to implement the grant will be prepared for the grant to begin by July 1.

- b. **Emergency grants** (Grants to be approved by the Council for emergency needs that arise during the fiscal year.)

Emergency grants are not for the purpose of circumventing the regular grant review procedures. Emergency grants are not awarded to any project which could normally be sent through the regular grant review and approval process.

Applications are not eligible if they 1) follow immediately after the regular grant deadline and reflect no apparent emergency, or 2) could normally be reviewed at the regular deadline for Annual grants.

There is no limit to the number of Emergency Grants that may be awarded, as long as the total amount for Emergency Grants determined by the Council for that year is not exceeded.

1. Applicants should submit five (5) copies of the Council grant application to the Council Secretary/Disbursing Officer.
2. A copy of the grant application will be sent to each Council Officer.
3. The Council Officers will review the grant for approval. The Officers will use the same review criteria of the Council and will consider the significance and critical nature of each project as it applies to the Council's purposes.
4. The Officers, by an affirmative vote of two members, may approve the grant.
5. Proper documentation according to State procedures will be implemented by the Council Secretary/Disbursing Officer to begin the grant immediately.
6. All legal, financial, and reporting requirements are the same for Emergency grants as for other grants.

8. **Annual Meeting**

An annual funding meeting shall be held prior to May 15. At that meeting, a report of the funds collected, donations, returned funds, and all other funds available for granting for the next grant period (July 1 – June 30) will be provided to the Council members.

Actions at the annual meeting will include, but not be limited to the following:

- a. The Council will determine the percentage of funding to be placed in the Natural and Cultural Resources Council Trust Fund (as opposed to the Natural and Cultural Resources Grants and Trust Fund) for the year.
- b. A division of funding for new annual and emergency grants may be determined.

- c. Final reports from grant projects completed in the previous year will be reviewed and filed.
- d. Changes to bylaws or procedures may be considered.
- e. Election of officers will be held.
- f. Meeting dates will be established for the next year.

H. Legal, Financial, and Reporting Requirements for Grant Recipients

1. Contracts

After award decisions are made, award letters, contracts, final budget forms, and instructions shall be mailed to recipients. All documents are to be completed, signed, and returned to the Council by the stated deadline. Failure to return the completed forms by the deadline may result in a delay of funding or forfeiture of the grant.

Once the terms of the grant are finalized, no substantive changes which affect the scope or completion of the project may be made in the program or budget as described in the original grant application unless the grantee submits a written request for a change in advance. This request is to be submitted to the Council Secretary/Disbursing Officer who may approve the request or may determine that the Council Officers as a group review the request.

The grant contract is a legal document. The grant recipient's failure to abide by the terms of the grant contract will result in immediate suspension of outstanding payments and recall of allocated funds.

The forfeiture of a grant under such conditions will be reported to the Governor and to the Arkansas Legislative Council, and may result in the Council no longer accepting grant applications from the forfeiting agency.

Legal remedies available to the Council under State laws may be pursued.

2. Distribution of Grant Payments

When a grant award is made, the State agency receiving the grant is given a new State appropriation and funding specific to the grant. The State Department of Finance and Administration will establish an appropriation code and a fund code for each grant.

Monies are transferred to the grantee's new fund account according to the schedule the grantee requests as part of the grant award packet. The funding schedule is established at the beginning of the grant. An accurate estimate of timing of funds is important since the Council invests funds not being used by grantees. Early withdrawals are discouraged and allowed only with the approval of a written request by the Council Secretary/Disbursing Officer.

All expenditures are subject to the State of Arkansas Accounting Procedures and Purchasing laws and regulations.

3. Audit Requirement

For accounting purposes, financial records shall reflect all obligations and disbursements of grant and matching monies. The financial accounts shall be subjected to audit by the agencies of the Council, State of Arkansas, and/or the Federal Government as applicable. The grantee shall be responsible for the safekeeping and identification of records maintained to account for funds awarded by the Council. Said records must be kept in the grantee's file for a period of three years after completion of the project.

4. Compliance with State and Federal Laws

Each grant project will comply with all applicable State and Federal laws relating to the nature and purposes of the grant project (i.e., acquisition of lands, handicapped accessibility, State Clearinghouse procedures, retention of records, etc.).

The Council recommends voluntary compliance with Federal laws appropriate to the project which may not be formally required of the applicant, such as environmental, fish and wildlife, historic preservation, civil rights, and equal employment laws.

5. Reports

Grant recipients are required to submit reports during the year to the Council's Secretary/Disbursing Officer.

- a. For all grants, unless dispensation is granted by the Officers and noted in the grant award agreement, a mid-year financial summary and activity report (“progress report”) will be due on January 31.
- b. For all grants, a final financial summary (including certification of cash match, in-kind contributions, and copies of the official state financial report for all expenses), final narrative/activity reports (“final report”) and photographs of the completed project as applicable are due no later than 30 (thirty) calendar days after the project's completion or July 31, whichever comes first.
- c. Grant recipients shall submit a complete progress report no later than January 31 and a final report no later than July 31. Reports should include:
 1. detailed narratives identifying the accomplishments associated with each project element;
 2. financial information for the specified time period with outline of expenditures related to each project element and appropriate AASIS reports;

3. appropriate photographs or other documentation to give a clear impression of the project's progress through the specified date;
 4. difficulties the project encountered should be discussed;
 5. confirmation of signage displayed at the site;
 6. copies of articles from newspapers, magazines, or other publications related to project; and
 7. copies of any publications or research produced in conjunction with the project.
- d. Grantees should submit appropriate reports as outlined in the schedule: January 31 and July 31. A deadline extension should be requested in writing if the grantee is unable to submit the reports on time. Failure to submit reports as agreed should be reported to the Council by the ANCRC staff.

6. Project Directors' Meeting

After grant awards are made, a meeting will be held for all project directors of funded grants.

Participation in the annual project directors meeting is mandatory. Any Grantee who does not send appropriate personnel to review the ANCRC procedures at this meeting shall not receive funds until the grantee has made arrangements to meet with appropriate ANCRC staff, fiscal management staff, and Historic Preservation Program staff.

7. Signage

Permanent signage for each project funded by the Council is required. A specific description of the requirements will be provided to each applicant as part of the annual grant application guidelines. Applicants for Emergency Grants will be provided the same information. Each grant contract will include an agreement by the applicant to comply with the signage requirements.

a. Provision of Signs

Each grantee will be provided with one sign per project site. This sign will be of metal, size 12" x 18." Each grantee will also be provided camera-ready artwork for a Council logo for use in printed materials concerning their grant projects.

b. Additional Signs

If a grantee feels that a grant project needs more than one permanent sign, a request for additional signs with justification as to the need may be submitted to

the Council Secretary/Disbursing Officer. The Council Secretary/Disbursing Officer may grant additional signs for projects.

If a grant project is for further development or expansion of an existing site that already has a permanent Council acknowledgement sign, another sign is not necessary.

c. **Alternate Forms of Sign**

If the grantee feels that the standard 12" x 18" metal sign available at no charge from the Council is not appropriate for a particular project, the grantee may request the Council sign artwork for the purpose of creating a more appropriate permanent sign. The Council will provide the selected PMS colors (which are currently PMS 468C Cream for background and PMS 301c Blue for lettering) and camera-ready artwork in approximate sizes as follows: 7" x 9"; 8 1/2" x 11"; 10" x 12"; 12" x 18".

The grantee may produce a permanent sign from other materials, such as a decal, framed document, bronze or wooden plaque, etc.; however, the grantee will bear the cost for the production and installation of the alternate sign. This cost may not be paid from Council funds.

If a grantee does not plan to use a metal sign or alternate sign as provided by the Council, a description of the sign intended to be used must be approved by the Council Secretary/Disbursing Officer prior to the sign's creation and installation.

d. **Publications**

Any publication produced in part or in whole with Council funding should use the Council logo provided by the Council and must contain the following statement: "This publication was produced (in part) by a grant from the Arkansas Natural and Cultural Resources Council, funded by the Arkansas Real Estate Transfer Tax."

e. **Responsibility for Installation**

Each grantee will be responsible for the permanent installation of the project sign. A permanent sign acknowledging receipt of the Council monies must be in place before a final report will be accepted from the grantee.

A detailed description of the location of the installed permanent sign must accompany the grantee's final report. If more signs than one are granted for a project, the grantee must submit a description of the location of the installation of each sign along with the final report.

If appropriate to the nature of the project, the permanent sign should be erected at the onset of construction or work at a project site.

f. **Location of Installation**

Signs are to be placed in an appropriate location of maximum visibility.

g. **Replacement of Signs**

If a metal sign provided by the Council becomes damaged and needs to be replaced, a replacement sign may be requested of the Council. The request should be in writing and include a justification. The requests should be sent to the Council Secretary/Disbursing Officer who may approve the request.

h. **Requirements for Subgrantees**

If a grantee's project involves subgrantee activities, the grantee's requirements for subgrants must include these same signage requirements.

i. **Further Information**

Questions about sign requirements not covered in this document should be submitted to the Council Secretary/Disbursing Officer who shall advise the inquiring party consistent with the signage requirements, or may determine that the Council Officers or entire Council as a group address the questions.

8. **Publications**

If a publication is produced with Council grant funds, one copy of the publication must be given to the Council as part of the grant's final report.

9. **Forms**

Attached are samples of the Council grant forms.

a. Application

1. Council Grant Application

b. Forms completed after a grant is awarded

1. Council Grant Award Agreement
2. Council Budget Form
3. Council Grantee Progress Report
4. Council Grantee Final Grant Report

10. Personnel

- a. Each grant recipient shall specify in writing one Grant Contact and one Fiscal Officer. It is the responsibility of the grant recipient to keep ANCRC informed of any changes in the designated contacts. The Grant Contact must be employed by the grantee agency.
- b. ANCRC funds cannot be used to pay for consultants to write grant applications, reports, or manage the granted funds. The agency applying for an ANCRC grant shall be responsible for providing personnel to write and manage the grant, focus the project on the scope of the ANCRC contract, respond to questions, submit reports in a timely manner, provide appropriate financial documents and reports, and monitor the work of architects, contractors, consultants, and extra help workers.