

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #5

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: West Virginia Division of Culture and History TITLE NUMBER: 82

CITE AUTHORITY: §29-1-3

RULE TYPE: PROCEDURAL INTERPRETIVE

EXEMPT LEGISLATIVE RULE

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES NO

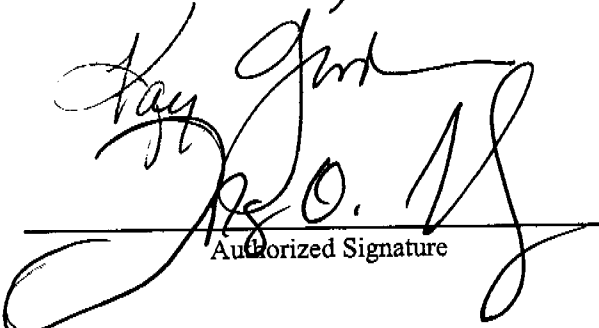
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 10

TITLE OF RULE BEING PROPOSED: West Virginia Certified Arts Community Designation

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS November 21, 2005


Authorized Signature

TITLE 82
PROCEDURAL RULE
DIVISION OF CULTURE AND HISTORY

SERIES 10
WEST VIRGINIA CERTIFIED ARTS COMMUNITY DESIGNATION

§82-10-1. General

- 1.1. Scope. - This Procedural Rule provides the administrative procedures and requirements for application by a city, town, county or other civil jurisdiction for designation as a "Certified Arts Community" under West Virginia Commission on the Arts' West Virginia Certified Arts Community Program.
- 1.2. Authority. - W. Va. Code §29-1-3
- 1.3. Filing Date. -
- 1.4. Effective Date. -

§82-10-2. Definitions

- 2.1. "Arts community" means that city, town, county or other civil jurisdiction making application to the program.
- 2.2. "Commission" means West Virginia Commission on the Arts established by W. Va. Code §29-1-3.
- 2.3. "Director of Arts and Arts Staff" as established by W. Va. Code §29-1-4.
- 2.4. "Governing body" means the elected officials that administer the municipality or county that seeks the designation.
- 2.5. "Required attachments" means letters of support, resolutions of governing authorities, and other documentation of fulfillment of qualification under Priorities §82.10.3 and Eligibility Requirements §82-10-4 (below).

§82-10-3. Priorities.

- 3.1. The following applications will be given priority in awarding designation as a "certified arts community." They are communities that (a) annually support two or more arts organizations, providing volunteer governance, financial contributions, and

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audiences for arts programming; (b) that have governing bodies (municipal or county) that have adopted a resolution indicating recognition of the importance of the arts to economic development, educational quality, and civic involvement; and (c) and have demonstrated success in realizing the benefits of cooperation between arts, humanities, and heritage groups, and business leaders and jurisdictional agencies.

§82-10-4. Eligibility Requirements.

Organizations eligible for review must be able to meet the following requirements by the application deadline:

4.1. A grant applicant must be one of the following:

4.1.1 An agency of municipal or county government, including county school boards.

4.1.2 A not-for profit, tax-exempt West Virginia corporation as defined in 501(c)(3) and 501(c)(4) of the Federal Internal Revenue Code of 1954 and as designated in compliance with §170 of that code at the time of application and prior to the release of funds.

4.2. An applicant must submit:

4.2.1. A completed and signed Certified Arts Community Designation Program Application Form, including any required attachments.

§82-10-5. Application Review and Evaluation.

5.1. The following criteria shall be used to evaluate each request for West Virginia Certified Arts Community Designation: (a) arts organizations or other eligible non-profits or government agencies made annual applications to the West Virginia Commission on the Arts (WVCA) for community arts projects; (b) schools in the community make annual applications to WVCA for Arts in Education (including Mini Grants for teaching artists fee support) projects; (c) the community has benefited by involving artists on planning committees for beautification projects and other civic projects; (d) the community has begun coordinated cultural planning; and, (e) there has been steady and/or recent growth of a local arts council.

- 5.2. Applications for the West Virginia Certified Arts Community Designation will be reviewed by the Director of Arts and Arts Section Staff at the West Virginia Division of Culture and History. Applications receiving a successful review will be nominated for the designation to the WVCA.
- 5.3. The recommendations of the Director of Arts regarding any application for the designation will be reviewed, approved, amended, or rejected by a majority of the full Commission.

§82-10-6. Appeals.

- 6.1. General. -- Any applicant denied the Certified Arts Community Designation under the provisions of this rule may appeal to the Commission by writing to the Director of Arts, requesting that the application be reconsidered. The letter of appeal must be received no later than sixty days after notice of denial.
- 6.2. Limited Consideration. -- Appeals will be considered only if the applicant can document specific examples that demonstrate that the application was misrepresented or improperly reviewed.
- 6.3. Appeal Process. -- The Director of Arts will review the letter of appeal and submit it with the original application to the Commission for consideration at their next regular meeting. The Commission will review the appeal and act on it during that meeting. The Director of Arts shall notify the applicant within ten days of the decision of the Commission.
- 6.4. New Materials and New Requests. -- If an applicant appeals a denial and submits new material to the designation that is the subject of the appeal, the request will be treated as a new application. New applications will be reviewed in the next grant cycle.

§82-10-7. Entitlements of the Designation as a West Virginia Certified Arts Community.

- 7.1. A community approved by the WVCA to receive the designation of Certified Arts Community will be eligible to display banners, signs and other promotional devices to announce the designation.
- 7.2. The design and content of the banners, signs and other promotional devices will be approved by the WV Division of

Culture and History and will include the logo of the Division.

- 7.3. The cost of the banners, signs or other promotional devices will be borne by the community receiving the designation and not by the WV Division of Culture and History or funds under the discretion of the WV Commission on the Arts.

§82-10-8. Evaluation and De-certification

- 8.1 A Certified Arts Community may be evaluated by the WV Commission on the Arts at any time, three years after the effective date of certification.
- 8.2 If the evaluation conducted finds that the Certified Arts Community no longer meets the previously stated criteria, or if actions by the community have not supported the criteria, the Commission may choose to de-certify the community, which would remove all entitlements previously received as a Certified Arts Community.

**SUMMARY OF PROPOSED RULE
STATEMENT OF CIRCUMSTANCES
TITLE 82 SERIES 10**

West Virginia Certified Arts Community Designation

This Procedural Rule provides the administrative procedures and requirements for application by a city, town, county or other civil jurisdiction for designation as a "Certified Arts Community" under West Virginia Commission on the Arts' West Virginia Certified Arts Community Program.

The purpose of the designation is to recognize communities that have realized the benefits of cooperation between arts and humanities groups, business leaders and jurisdictional agencies. This designation will be offered to towns, cities, counties that can qualify by application, satisfaction of eligibility and review criteria and documentation that the governing body of the community, city or county, has adopted a resolution indicating recognition of the importance of the arts to economic development, educational quality, and civic involvement.