



MEMORANDUM OF UNDERSTANDING (MOU)
New Mexico Arts and Cultural District (ACD) Program
<Insert Local ACD Entity>

This Memorandum of understanding is entered into by and between the municipality of _____ and the Arts and Cultural District of _____, and the State of New Mexico's Arts and Cultural District Program, effective as the date last entered below. The MOU is for the duration of 5 years and may be terminated in writing by any party with 30 days written notice.

I. PURPOSE AND SCOPE

The purpose of this MOU is to clearly identify the responsibilities and expectations of each party as they relate to the recertification of local, State Authorized Arts and Cultural Districts within New Mexico's ACD Program. Recertification of individual State Authorized districts will be required on a 5-year basis by the New Mexico Arts Commission. Recertification is required to remain a member of the ACD program and eligible for tax incentives, infrastructure funds as appropriated by the New Mexico State Legislature, technical assistance and other benefits relating to the ACD program. The goal of the recertification process is to assess the feasibility of goals, establish performance measures by which the local ACD Steering Committee can gauge its progress of the planned district priorities and maintain a commitment to pursue further progress from all parties herein stated. The MOU will require your ACD Steering Committee to tailor your responses based on your previous work.

II. BACKGROUND

An arts and cultural district is a mixed-use, pedestrian-friendly area of a community in which a high concentration of cultural facilities, historic buildings, cultural entrepreneurs and/or cultural activities serve as the anchor of attraction and economic vitality.

No two arts and cultural districts are alike. Each district reflects the community's unique environment, history, land use and cultural demographics. Arts and cultural districts can be found in all types of communities from small and rural, to large and urban. They increase tax revenues, profitability of surrounding businesses, and in some cases property values. Arts and cultural districts are a catalyst for community revitalization and serve as an incentive for new or relocating businesses.

The role that cultural districts play in providing a vibrant and appealing environment is a major factor in retaining young citizens and their families, attracting a well-educated and creative workforce, and positioning the community as a cultural tourist destination. The district often is comprised of historic properties and unique cultural elements important to defining the character of the district. Arts and cultural districts bring citizens out from their homes and into a vibrant social space to interact and bond with their families and neighbors; and the community's young talent is showcased and recognized as part of the cultural landscape.

Community arts centers offer opportunities for young people and adults to experience lifelong learning through the arts, and the community's ethnic and cultural diversity contributes to the vitality and global profile of the arts and cultural district. Music and theatre events, artists' studios and galleries, street fairs and festivals, arts spaces and arts classes all contribute to a high standard of living for community residents and an appealing attraction for tourists.

The New Mexico Arts and Cultural District (ACD) Program was established by the New Mexico Legislature and Governor Richardson by state statute in 2007. The program is an inter-agency collaboration between the Economic Development Department, the Department of Cultural Affairs and the Tourism Department. It is directed toward place-based economic development focusing on the unique cultural and arts assets of each State Authorized district

There are three facets in the strategy; the conservation, preservation and interpretation of artistic, cultural, and historic assets of place through its cultural institutions, agencies, organizations and expressive arts (the cultural

economy); the support of local artists, artisans, cultural entrepreneurs who make a place vibrant and vital (the creative economy), and the important amenities that visitors seek rounding out an experience of place (lodging, dining, and entertainment).

The New Mexico state statute established the New Mexico MainStreet Director as the Coordinator of the ACD Program and established the New Mexico Arts Commission, staffed by the Executive Director of the New Mexico Arts Division of the Department of Cultural Affairs, as the “authorizing” body for each proposed district.

A State Steering Council made up of representatives from the following agencies and organizations works with the ACD Coordinator to set policy and develop resources and technical assistance:

- New Mexico MainStreet Program, Economic Development Department
- New Mexico Arts, Department of Cultural Affairs
- New Mexico Tourism Department
- New Mexico Historic Preservation Division, Department of Cultural Affairs
- McCune Charitable Foundation
- Museum Foundation of New Mexico
- New Mexico Humanities Council

The state statute currently provides the following incentives to help investors and local municipalities conserve, grow and revitalize their ACD's economy. The incentives will continue with the recertified ACD. Those losing or withdrawing from the State Authorized program will forfeit access.

- For Start Up ACD's an inter-disciplinary Resource Team, funding for a district Cultural Plan and funding for a Master Plan.
- A doubling of state historic tax credits for eligible commercial properties within the ACD
- Access to municipal gross receipts taxes set aside for economic development projects through the state's Local Economic Development Act (LEDA)
- An ACD infrastructure fund for capital outlay and grant funds for infrastructure
- Technical assistance and services from cooperating partners in the state ACD Steering Council
- Participation in the Cultural and Heritage Tourism Marketing Program

III. RECERTIFICATION RESPONSIBILITIES OF LOCAL ARTS AND CULTURAL DISTRICTS

The following reporting requirements are to be completed by the local Arts and Cultural District for the 5-year duration of this MOU. An annual progress report based on this MOU will be submitted in written form annually to the State ACD Coordinator for presentation to the New Mexico Arts Commission at their January meeting.

Each local ACD organization's leadership needs guideposts to determine the successful impact of their local ACD collaborative efforts. To continue funding the State needs to be able to identify the quantitative and qualitative impacts on your district. To continue an incremental building process with the investments being made by state and local partners some performance metrics are important for the continuing success of each district.

The following section of the MOU is to assist the local ACD Steering Committee to select the goals it wishes to pursue during the duration of the recertification period. These will be the reporting goals to the State Council and to the New Mexico Arts Commission. There may be other work the local ACD commits to.

1. Defining District Identity

(Please attach narrative as a separate document to the signed MOU.)

How do you define your Arts and Cultural District? Please choose from the following and explain:

- Artist Market Driven:* A district that provides artists and cultural entrepreneurs ease of access to promote and sell their work.
- Community Development Focus:* A district that draws its strength from the unique cultural traditions and character of all of its residents.
- Cultural Production Focus:* A district that focuses on artists and cultural entrepreneurs repurposing existing structures for live/work space.
- Institution Driven:* A district anchored by large arts and cultural organizations and supported by smaller organizations and entertainment venues.
- Public Sector Catalyst:* A district created through public policy to achieve social, environmental and economic development goals.

Note: You are not limited to the choices above. Just be sure, in answering this question, to consider what niche in the cultural economy you have

established as the purpose of your district. The choice of type will assist you in identifying the priorities for the next section of the MOU.

2. 5-Year Plan

During the Start Up process for your district, the State Arts and Cultural District Council funded and provided services to complete an Interdisciplinary Resource Team, a municipally adopted ACD Cultural Plan and a municipally adopted (or amended) ACD district Master Plan. From these three documents please provide short, mid, and long term goals for your local ACD Steering Committee for the next five years of this recertification period in the following areas; Cultural Planning and Development, Marketing and Promotion, Physical Planning and Design, and Capacity Building and Finance.

Please develop a narrative of not more than two pages that identifies a minimum of 4-6 goals in each of the four areas identified below:

- A. Cultural Planning and Development
- B. Marketing and Promotion
- C. Physical Planning and Design
- D. Capacity Building and Finance

Enclose the narratives with the MOU. Please contact the State Council if you need facilitation assistance. In the narrative for each goal please identify:

- The project or activity that you have adopted from your cultural and or master plan
- The organization on the steering committee taking the lead in organizing and implementing on behalf of the ACD organization and district
- The time line for completion of the project or activity
- The revenue sources established to develop and implement
- The “outcome” or impact it will have on the districts health and economic vibrancy

3. Commitment to State Identity and Branding:

(Please attach narrative to signed MOU).

Creating a state brand and marketing New Mexico’s Arts and Cultural Districts are important aspects of the state program. The ACD Program

has created materials and guides that help assist local districts in creating strong identities that represent the districts as a comprehensive program.

- A. Provide an account of the success and challenges you have had marketing and promoting your district using the state identity and brand.
- B. Identify if or how you need assistance to make your plans a reality.
- C. Detail your community's commitment to continue to promote this brand with the recertification of the district and your marketing and promotional plans for the future.

Note: If you have any questions please refer to the *New Mexico Arts and Cultural District Identity Standards Manual* and *New Mexico Arts and Cultural District Marketing Standards Tool Kit*.

4. Financial Sustainability Plan

(Please attach narrative to signed MOU).

- A. Provide a plan that shows how the financial means of your district align with your priorities for the future.
- B. A state-Authorized District must have at minimum a paid coordinator/manager/director for not less than 20 hours per week. What is your operating budget and fund raising strategy?
- C. What is your project revenue needs and what financial tool have you implemented to raise those funds?
- D. What measures have you taken so far? What do you plan to do moving forward? Please provide any budgets or reports that you feel would be helpful in illustrating your answer to this question.

IV. RECERTIFICATION RESPONSIBILITIES OF MUNICIPALITY

A resolution of continuing participation and support for the ACD as a place-based economic initiative of the municipality, adopted by the city council must accompany a signed copy of MOU.

V. CONTACT LIST

(Please attach contact list document to signed MOU).

Please provide a contact list of your current local ACD Steering Committee members and what organization, agency, or institution they represent.

(Note: Required members include an official representative of the municipality, a local MainStreet or revitalization organization, and an Arts Council).

VI. AMENDMENT

This MOU shall not be altered, changed or amended except by instrument in writing executed by the parties.

VII. APPROPRIATION

Performance under this MOU is contingent upon sufficient authority and appropriations granted by the New Mexico State Legislature.

VIII. GOVERNING LAW

This Agreement shall be governed by the laws of the State of New Mexico.

IX. LIABILITY

Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. DCA and the New Mexico Arts Commission, the New Mexico Economic Development Department, and [*municipality's name*] are subject to the immunities and limitations of the New Mexico Tort Claims Act. Each party shall be solely responsible for fiscal or other sanctions, penalties, or fines occasioned as a result of its own violations or alleged violation of requirements applicable to performance of this MOU.

X. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

- A. Recertification of a local arts and cultural district is dependent on completing the reporting requirements listed above.
- B. The recertification does not take the place of any other annual reporting requirements currently in place by the ACD program

XI. EFFECTIVE DATE AND SIGNATURE

We do hereby agree to and sign:

On behalf of the New Mexico Arts and Cultural District State Council:

ACD ~~Coordinator~~/Coordinator, New Mexico MainStreet Director
Date

Executive Director, New Mexico Arts Commission Date

Chair, New Mexico Arts Commission Date

On behalf of the <insert Local ACD name>:

<insert local ACD Steering Committee Chair> Date

<insert local ACD Steering Committee member 2> Date

On behalf of the Municipality:

Mayor or City Manager of <insert local ACD city name> Date

City Councilor or Commissioner representing ACD district
(If applicable) Date

