



## **Policy on De- Classification of a State-Authorized Arts & Cultural District**

The New Mexico Arts & Cultural District (ACD) Act allows for the New Mexico Arts State Coordinator (ACD Coordinator) to de-classify state authorized districts.

### **VOLUNTARY RECLASSIFICATION**

An ACD Coordinating Council (Council) may choose to de-classify its program by requesting the New Mexico Arts Commission (Arts Commission) to rescind its state authorization. It shall do so by letter to the ACD Coordinator. The letter must certify that at minimum of 2 of the 3 required members (Arts Council, MainStreet or Community Revitalization Organization, Municipality) of the Council at a duly called meeting voted to request de-classification as a State Authorized Arts & Cultural District (ACD District).

Such action by the Council shall be taken with full knowledge that if the ACD District's declassification is approved, all benefits, incentives, technical assistance, services and resources attached to state authorization will no longer be available to the ACD District.

The Coordinator shall submit the Council letter for acceptance to the Arts Commission at its next regularly scheduled meeting. A letter of notification of acceptance of de-classification will be issued to the Council.

### **INVOLUNTARY RECLASSIFICATION**

If the New Mexico State Arts & Cultural District Coordinator determines that a locally affiliated ACD Coordinating Council is not meeting its responsibilities and obligations based on its state authorization, the ACD State Coordinator shall notify the chair or President of the Council and provide 90 days to address any deficiencies.

If the ACD Coordinating Council fails to address such deficiencies within 90 days the ACD State Coordinator shall inform the Chair of The New Mexico Arts Commission and its staff, the Executive Director of the New Mexico Arts Division of the Department of Cultural Affairs. At the next scheduled meeting of the New Mexico

Arts Commission, the Commission may decide to rescind state authorization. All benefits, incentives, technical assistance, services and resources attached to State Authorization are no longer available to the local affiliate and the ACD District.

The New Mexico Arts Commission shall by letter inform the chair or president of the de-certification of the program and loss of state authorization.

Arts & Cultural District Coordinating Council deficiencies that could result in de-certification include the following:

- Failure to execute a Letter of Agreement or Memorandum of Understanding to accept or continue state authorization.
- Failure to provide in a timely fashion the statutorily required annual Council report and an annual operating budget report.
- Failure to adopt the ACD municipally adopted District Cultural Plan.
- Failure to adopt the ACD municipally adopted District Master Plan.
- Failure to have an inclusive ACD Council to do the work of the District. An inclusive Council shall have members from the district's arts and cultural organizations, agencies and institutions.
- Loss of support by the municipality.
- Failure to maintain "good standing" depending on the organization structure, with New Mexico Secretary of State's Office, the New Mexico Attorney General's Office, or the IRS.
- Failure to implement programs, projects and activities as provide in the local ACD Resource Team report, the municipally adopted Cultural Plan.
- Failure to have a Council representative (preferably ACD staff) to participate at the twice a year ACD leadership network meeting.

02-09-15