

From: [Bernardo II, Eugene G.](#)
To: [Rosenbaum, Randall \(RISCA\)](#)
Cc: [Codega, Joseph \(OMB\)](#); [Orgel, Daniel \(DOA\)](#)
Subject: [EXTERNAL] : RE: A question related to the State Cultural Facilities Program
Date: Tuesday, July 6, 2021 4:30:46 PM

Randy –

The bottom line is that it is a reasonable interpretation of the statute to include new construction, in addition to the renovation and restoration.

The Act/approval of the voters permits use of proceeds to continue the Cultural Arts and Economy Grant Program and to use funds for “capital improvements, preservation and renovation projects” for cultural/arts organizations. There’s no explicit, affirmative mention of new construction. Nor, is there an explicit, affirmative exclusion of new construction.

There are cases which cut both ways. Some cases require acts to be strictly construed and borrowings done “within the strict letter of the legislative act referred to the people for their approval.” However, other cases permit acts that are “sufficiently informative” and which are in “substantial compliance” with the constitutional requirement to obtain the voters’ intelligent consent to the borrowing.

My view is that a court would be reluctant to prohibit new construction if the case was to be litigated. I also think that an agency would be given some deference in its interpretation of the act.

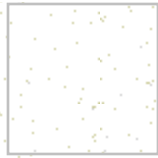
I do note, however, the regs under the existing Program prohibits use for new construction. I’m unsure if that was the Council on the Arts’ interpretation of the virtually identical Act in 2014 or just an administrative decision to limit funds to then-existing locations. That policy change – if you now want to include new construction – is something you’ll need to wrestle with in new regs.

I’m sorry that the language/facts don’t provide a more definitive response, but I do think that the Council should be reasonably confident to include “new construction” if it so desired.



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From: Rosenbaum, Randall (RISCA) <Randall.Rosenbaum@arts.ri.gov>
Sent: Wednesday, June 30, 2021 10:09 AM
To: Bernardo II, Eugene G. <ebernardo@psh.com>
Cc: Codega, Joseph (OMB) <Joseph.Codega@omb.ri.gov>; Orgel, Daniel (DOA) <Daniel.Orgel@budget.ri.gov>
Subject: [EXTERNAL] A question related to the State Cultural Facilities Program

Mr. Bernardo, I understand that you are the Bond Counsel for the State bond initiative that includes the \$6 million designated to the Rhode Island State Council on the Arts for capital improvements to cultural facilities (Chapter 80, Article 2, Section 1(6)(a) of the 2020 Rhode Island Public Laws). I understand that you have heard from a State Representative hoping to resolve a question related to this bond initiative.

To address the State Representative's question head on: is it possible to interpret the language of RIGL cited above to include new construction, in addition to the renovation and restoration of existing structures? We are about to promulgate new Rules for this granting program and your response would be important.

Please let me know if you need any additional information, and I appreciate your help on this matter.

Randy



Randall Rosenbaum

Executive Director
Gender Pronouns: He/Him/His

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From: [xander marro](#)
To: [Rosenbaum, Randall \(RISCA\); "Dirt Palace"](#)
Subject: [EXTERNAL] : Re: New round of capital grants from RISCA and Historic Preservation
Date: Monday, July 12, 2021 1:30:06 PM

Hi Randy,

Thanks for sending this over. Super exciting. Looks fairly streamlined and like it's learning from the experience of administering previous rounds without attempting to re-invent any wheels. Which is great! My only nuts and bolts question is about the elimination of the 25% in-kind matching potential. I'm not passionately attached to this, but some of the in-kind support that we got also came with the deepest community support/connections - which can be difficult to quantify or build metrics around, but I think is really meaningful in terms of local/grassroots buy-in/collaboration.

More general thoughts:

I'm sure there have been conversation about balancing investments in orgs of various sizes that exists outside of scope of these regulatory docs. It does seem like with the 7 previously named orgs in the pool for competitive grants, the competitive grants are likely to be VERY competitive (which is not necessarily a bad thing). My guess is that it will fall to the panel to consider if they will award smaller grants to more orgs, or larger grants to fewer orgs, but it could be helpful to orgs to have a little more guidance on this so that 20 orgs aren't working towards submitting proposals for \$500k projects that then get funded at \$50k.

Many capitol grants that we've encountered have started to include environmental sustainability and green approaches as part of their competitive scoring criteria - likely not possible for this round, but could be cool to consider for the future.

Hope that you and yours are hanging in and getting to enjoy some of the beauty of RI in the summer.

Thanks for your endless leadership and positivity during this past nightmare era

yours,
Xander

From: Rosenbaum, Randall (RISCA) <Randall.Rosenbaum@arts.ri.gov>
Sent: Thursday, July 8, 2021 8:58 PM
To: missxander@hotmail.com <missxander@hotmail.com>
Subject: New round of capital grants from RISCA and Historic Preservation



July 8, 2021

From: [Mixed Magic Theatre](#)
To: [Rosenbaum, Randall \(RISCA\)](#)
Cc: [Bernadet Pitts-Wiley](#); [Jonot](#)
Subject: [EXTERNAL] : Bond Funding
Date: Friday, July 9, 2021 11:04:56 AM

Randy,

I still have a concern that smaller organizations, especially post Covid-19, will have to divert program funds or take out costly loans in order to make the cash match. It seems to me that proposals, say under \$100,000, should only require a in-kind match.

Ricardo

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Mixed Magic Theatre

Theater Location:

560 Mineral Spring Ave, Pawtucket, RI

401.305.7333 ~ [\[mmtri.com\]](#)[www.mmtri.com](#) [\[mmtri.com\]](#)

Mailing Address:

558 Mineral Spring Ave

Box 25

Pawtucket, RI 02860

From: [Old Slater Mill Association](#)
To: [Rosenbaum, Randall \(RISCA\)](#)
Subject: [EXTERNAL] : Re: New round of capital grants from RISCA and Historic Preservation
Date: Tuesday, July 13, 2021 11:03:20 PM

Hi Randy,

Hope all is well with you and yours.

Thank you for the opportunity. I took a look at the regulations and offer you the following comments, observations, and corrections.

Thanks, Lori

1.3. A. 5. ... to fund capital improvement, preservation, and renovation projects for public and non-profit artistic _____ (?missing word), performance centers, historic sites, museums and cultural art centers located throughout the State of Rhode Island.

1.3. A. 6. (Second line) - ... presentation ____ (?missing "or") exhibition

1.3. A. 6. The itemized list of "cultural disciplines" potentially excludes some things. I suggest ending the sentence "...programs of museum and cultural sites." (Notice historic sites are referenced in Paragraph 5, but seem to be disregarded in Paragraph 6.)

1.3. A. 13. The line starting with "Other funds to be allocated...." has an odd break and second quotation mark after a comma. May be an error.

1.6. A. Line 11 - I think it would be clearer written: " RISCA "shall" ensure that no panel member "has" a conflict of interest..... "

1.7. B. 2. Line 2. should be " Applicants "that" have a lease or... " (rather than "who," because you don't make grants to individuals)

Lines 5 & 6 - better to phrase it "..., applicants holding a lease for a period of less than ten years...."

1.7. B. 5. This paragraph can be misinterpreted as written, and it's a bit of a raw deal to the landlord if put in the position of having the tenant skip out or elude them. It also ignores the possibility/option that the new lessee may carry on the use.

I would suggest rewording along these lines:

" If a change in leaseholder occurs at a CFG-funded site prior to the 10-year period from the date of award, and the new lessee does not intend to continue an appropriate artistic use for the CFG-funded improvement, the property owner may be required to return the funding to the CFG program, pursuant to the agreement made by all parties at the time of the application and/or the grant award. "

1.7. B. 8. I think this section on "ineligibles" should be a separate section "C" (then renumber Evaluation section as "D," etc.).

1.7. B., 8. e. Uses "GOS" as the acronym for General Operating Expenses (which is GOE)

1.7. B. 8. f. Needs more clarity. Do you mean "hiring legal representation," ? "proposal (what exactly, preparation?)" ??

1.7. B. 8. g. Suggest "...the Judiciary,..."

1.7. B. 8. h. Is it only "bad debt" that you can't use it for, or is "good debt" ok? lol. Maybe make it "...payment on any debt not associated with the proposed project."

1.7. B. 8. k. For clarity, suggest: "Re-granting, or making contributions or donations."

1.8. B. Line 3, "...as determined by RISCA." What does that mean there? That RISCA will determine whether the match will come in cash or in-kind form? That's how it reads now. Later in the paragraph the language changes to say "documented contributions," which I think refers to "in-kind," but it's not clear.

1.8. C. Line 2, should be "Facilities"

1.8. C. Line 9, should be "prior to,"

1.8. D. You introduce the term "Awardee" here, but there is no definition for it or prior reference to it.

On Thu, Jul 8, 2021 at 8:59 PM Rosenbaum, Randall (RISCA)
<Randall.Rosenbaum@arts.ri.gov> wrote:



July 8, 2021

Dear Lori: