

# PROCEDURES AND GUIDELINES HANDBOOK FOR ART IN PUBLIC BUILDINGS AND BUILDINGS SUPPORTED BY FEDERAL AND GOVERNMENT OF GUAM FUNDS IN THE TERRITORY OF GUAM AND THE PERCENT FOR THE ARTS ENHANCEMENT GRANT PROGRAM

## CHAPTER I. THE LAW

Public Law 20-27, Chapter 8 of Title 1 of the Guam Code Annotated, relative to “Arts in Public Buildings and Facilities” as amended by Public Law 31-118 amending subsections 850, 852 and 853 of the Guam Code Annotated.

## CHAPTER II. PURPOSE

### P.L. 31-118 Section 1 Subsection 850

The government of Guam recognizes its responsibility to foster culture and arts and the necessity for the development of the arts beginning with our young children and throughout the community. The Legislature (the legislature) declares it to be policy that a portion of appropriations for capital expenditures for public buildings be set aside either for the acquisition of works of art to be used in such buildings and in any buildings intended for use of the general public to the extent that the construction or improvement of such non-public buildings is supported by either federal or government of Guam tax incentives or other subsidy arrangement or the funds may be given to the Guam Council on the Arts and Humanities Agency for the purpose of fostering culture and the arts for the development of local artists, children and the community as a whole.

## CHAPTER III. DEFINITIONS

- A. Definitions as it apply to Art in Public Buildings and buildings supported by the Federal and Government of Guam Funds in the Territory of Guam.
  - 1. “Art and Arts” means the graphic arts and other arts having aesthetic value that is to the public as defined by P.L. 20-27.
  - 2. “Artist” means one who produces or aids in the production of art.
  - 3. “Public Building” or “Public Facility”: a building or facility owned by the government of Guam or any of its instrumentalities.
  - 4. “Non-Public Buildings”: Buildings that are supported by either government of Guam funds through tax abatements, rebates, loans, loan guarantee or bond financing or by Federal funds administered by the Government of Guam.
  - 5. “Department” means the Department of Public Works or that agency of the government which supervises the design of a public building or facility.
  - 6. “Public Area” means that part of a public building or facility to which the public is generally admitted during certain hours of the day. Public area does not include any office space to which the public generally has no access.

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7. *“Local Artists” mean artists who are residents of Guam for at least 6 months and pay taxes on Guam.*
8. *“Contracting Agency”:* *The owner of the building identified including either governmental or non-governmental.*

B. Definitions as it apply to the Percent for the Arts Enhancement Grant Program.

1. “Agency” means Guam Council on the Arts and Humanities Agency, government of Guam (CAHA).
2. “Director” means Director of the Guam Council on the Arts and Humanities Agency.
3. “Board” means the council on the Arts and Humanities Agency Board, government of Guam.
4. “Fund” means the Percent for the Arts Enhancement Grant Fund.
5. “Grantee” means an applicant who is awarded a grant.
6. “Grant” means an approved award of funds from the Percent for the Arts Enhancement Grant Program.
7. “Government of Guam funds” means any funds received from a legislative appropriation, the Guam Visitors Bureau or from an autonomous agency.
8. “Government” means the government of Guam.

CHAPTER IV. HOW IT WORKS

A. Art in Public Buildings and buildings supported by the Federal and Government of Guam Funds. (P.L. 31-118 Section 2 subsection 852)

1. Plans for public buildings and buildings supported by federal or government of Guam subsidy which contain public areas, and plans for remodeling or renovation of public buildings or facilities where the total cost of construction, remodeling or renovation exceeds the sum of One Hundred Thousand Dollars (\$100,000) shall contain provisions for the inclusion of works of art by local artists if available, including, but not limited to, sculptures, paintings, murals or objects relating to or consisting of native arts.
2. The owner of the building shall also have the option of allotting at least one percent (1%) of the overall construction, remodeling or renovation cost of a building to the Guam Council on the Arts and Humanities Agency (CAHA) in lieu of the inclusion of works of art.
3. If artwork plans are selected, an announcement of selected art or artists shall be published in a newspaper of general circulation after the final art is submitted for installation and/or

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in the online version of the newspaper. The published announcement must state that the selected art may be viewed on the CAHA website or on the Owner's website.

4. Before issuance of the occupancy permit for such construction, remodeling or reconstruction the owner of the building must obtain clearance from the Guam Council on the Arts and Humanities Agency (CAHA) that the provisions of this Chapter are being complied with.
5. At least one percent (1%) of the overall construction, remodeling or renovation cost of a building described in Subsection (a) of this Section shall be reserved for the purpose of the design, construction, mounting, maintenance and replacement and administration of works of art by CAHA in the public area of such a building or the owner shall give the amount to CAHA.

The Director of Public Works shall ensure that no construction, remodeling or renovating of a public building, or building supported by government of Guam funds, is granted an occupancy permit without this Chapter being complied with.

6. Such buildings with an overall construction cost of less than One Hundred Thousand Dollars (\$100,000) are exempted from the requirements of this Chapter unless inclusion of works of art in their design and construction is specifically authorized by the owner.
7. The artist who creates these works of art shall be selected as provided in Subsection (f) of this section.
8. The Director of CAHA shall develop rules and regulations, pursuant to the Administrative Adjudication Law, for the selection of works of art under this Chapter and shall open competition for awarding any art contract under this Chapter by:
  - a. Soliciting proposals from local artists by a project announcement published no less than three (3) times in a local publication or general circulation in print and online versions;
  - b. Appointing a selection committee consisting of a minimum of five (5) and up to a maximum of nine (9) members to review all proposals and report to the Director the results of its deliberations regarding the proposed art contract. Such committee shall include a representative of the building's owner or of the agency or department involved; the project architect; the interior designer of the building; the municipal mayor from the project site or a designated representative OR The Executive Director of the Mayor's Council or a designated representative; at least two (2) practicing artists from Guam; a representative from the Business Community; a representative from the either the University of Guam, Guam Community College or the Guam Department of Education; and a representative of the Guam Council on the Arts and Humanities Agency (CAHA).

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- c. The final decision regarding the use of art work and the selection committee's recommendations shall be made by the Director of CAHA, who shall be the contracting officer for any art contract executed pursuant to this Chapter.
9. *The Director of CAHA shall include in the CAHA rules and regulations, pursuant to the Administrative Adjudication Law, procedures for the acceptance of funds as stated in this Section.*
    - a. *An account shall be established which shall be maintained separate and apart from other funds of the government of Guam, shall be kept in a separate bank account and shall not be subject to transfer authority of I Maga'alahan Guahan. Funds shall remain in such account and expended by CAHA for the purpose mandated in this Section. Said Fund shall be examined and reported upon as required by the law by the Director of CAHA who shall serve as the certifying officer of said Fund.*
    - b. *On the first (1<sup>st</sup>) day of each fiscal quarter, the CAHA Director shall provide to I Maga'Lahen Guahan and the Speaker of I Liheslaturan Guahan and post on the CAHA website, a detailed report of how funds were allocated and utilized.*

10. *Enforcement*

- a. *CAHA shall identify public buildings in non-compliance with this Section and send written notices within ten (10) working days. Upon receipt of the notice, recipients have two (2) weeks (fourteen (14) calendar days) to acknowledge in writing, receipt. Recipients will be given up to one (1) fiscal year to comply with Section.*
- b. *The Guam Economic Development Authority (GEDA) shall ensure that current Qualifying Certificate (QC) program beneficiaries are in compliance with this Section.*
- c. *For monitoring purposes, GEDA shall provide to CAHA a list of past and current QC recipients. CAHA will determine whether former QC recipients complied with Subsections (a) and (c), and notify them in writing if non-compliance was determined. Upon receipt of the notice, recipients have two (2) weeks (fourteen (14) calendar days) to acknowledge, in writing, receipt. Recipients will be given up to one (1) fiscal year to comply with this section.*
- d. *CAHA shall provide to the Department of Revenue and Taxation a list of QC recipients who fail to comply with this Section. The Department of Revenue and Taxation shall refuse to grant renewal of business license for current and past QC recipients in noncompliance, until the CAHA Director issues a written confirmation of compliance.*

11. *P.L. 31-118 Section 3 subsection 853 - Inclusion of Chamorro Artistry or Guam History Elements in Government Building: Government of Guam Buildings and Structures*

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*All government of Guam building and structures shall contain elements of either Guam History or of Chamorro artistry costing up to a maximum of three percent (3%) of the aggregate of the architectural and engineering , the construction or the renovation budgets therefore. Such elements may be made part of the internal or external physical structure of the building or structure and may be within the main part of the building or structure or separated from the main part. In complying with the provision of this Section, a contractor for the government agency constructing the building or structure may consult with CAHA as to the various types of Chamorro or historic Guam artistic elements. The Department of Public Works (Department) shall monitor noncompliance with this Section during its plans approval process, unless such plans are exempted in accordance with Subsection (b) of this Section. If the Department determines that a non-exempted project does not comply with this Section, it shall refuse to issue either a building permit or an occupancy permit (as the case requires) for such project until compliance.*

## *12. Exceptions to Applicability*

*Buildings and structures constructed for use as shelters for utility facilities or utility operations are not subject to Subsection (a) of this Section.*

## *13. Compliance*

*Government of Guam agencies found in noncompliance of this Section shall be given up to one (1) fiscal year to comply. CAHA shall ensure compliance with this Section. Penalties for noncompliance will be determined by the CAHA Board.*

## *14. Government Lease Spaces*

*Government of Guam agencies leasing space are not exempt from this Section, and if found in noncompliance will be given up to one (1) fiscal year to comply. CAHA shall ensure compliance with this Section.*

## 15. SELECTION COMMITTEE

The Selection Committee shall determine the scope, direction, and particular needs of each project. Original Verbiage: The Selection Committee shall include a minimum of five (5) members and up to a maximum of nine (9) members as follows:

- a. A representative of the building's owner or of the agency or department involved.
- b. The project architect.
- c. The interior designer of the building.
- d. The Executive Director of the Mayor's Council or a designated representative OR the Municipal Mayor from the project or a designated representative.

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- e. At least two (2) practicing artists from Guam.
- f. A representative from the business community.
- g. A representative from the either the University of Guam, Guam Community College or the Guam Department of Education.
- h. A representative of the Guam Council on the Arts and Humanities Agency (CAHA).

Voting: Each member of the selection committee will have one vote. The majority vote shall determine selection. The Committee then makes recommendations to the Director of CAHA or his designee who makes the final decision.

#### 16. SELECTION PROCEDURE

The Building Owner shall tour the site of the project and designate the various areas where artwork is to be placed. The Selection Committee shall then consider the particular needs of the project including budget, appropriate art forms and mediums and the location based on the building owner's input.

#### 17. Selection Method

Open Competition: The Selection Committee shall solicit artwork samples from artists by a project announcement published no less than three (3) times in a local publication of general circulation.

The selection process may be in two stages whereby a limited number of finalists, selected from the competition will be asked to submit more detailed proposals. Each of the finalists will be paid a fee for the final commissioned work as approved by the Selection Committee.

#### 18. Criteria for Selection

- a. **Style and Nature:** Works of art that compliment the environment where the art work is to be displayed. The size of the artwork must also be compatible to the size of the location designated.
- b. **Quality:** The inherent quality of the artwork is the most important criterion for selection.
- c. **Media:** All visual art forms will be considered along with objects relating to or consisting of indigenous art. The artwork can be either portable or permanently fixed. If the artwork is to be permanently placed the Selection Committee will decide if the location identified is structurally capable of maintaining the artwork in terms of relative maintenance of repair costs.

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- d. Permanence: Due consideration will be given to structural and surface soundness and to permanence in terms of relative excessive maintenance or repair costs.
- e. Existing works of art or art specifically commissioned works are eligible.

19. BUDGET

The selection Committee shall identify the funds available for the project and approve expenditures. The funds will be dispersed as specified by P.L. 31-118.

20. USE OF FUNDS

- a. Funds identified may be used for:
  - 1. For the purchase of existing artwork selected or commissioned by the Selection Committee.
  - 2. Design: Artist's professional design fee.
  - 3. Construction: The actual work and materials put into the creation of the artwork.
  - 4. Mounting: Expenses for the purposes of affixing the artwork onto the location specified.
  - 5. Maintenance: Expenses incurred towards the mechanical maintenance of the artwork for up to one year after installation. After one year, this becomes the owner of the building's responsibility.
  - 6. Replacement: Artwork that are to be replaced due to irreparable damage.
  - 7. Administration: Expenses to cover any administrative costs incurred by the Selection Committee of CAHA in the selection of artwork. Those costs include but are not limited to hiring of contractual staff, advertisements, supplies and professional services. At least one percent (1%) of the identified funds will be awarded to the Guam Council on the Arts and Humanities Agency for the purposes of contracting administrative staff to coordinate and maintain the program. Administrative costs are subject to the discretion of the CAHA Board.
  - 8. Plaques and Labels identifying the art work.
  - 9. Frames, mats and pedestals necessary for the presentation of the artwork.
  - 10. Waterworks and electrical and mechanical devices, equipment and site work which are integral parts of the work of art.

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11. Reproductions of up to 50 high quality limited edition prints, numbered and signed by the artist. Exclusively used for exhibition purposes and will not be for sale. (Subject to the approval by the Selection Committee and to copyright agreements with the artists.)
12. Funds may also be used to purchase art to be included in the Guam Art Bank managed by CAHA, its maintenance and repair when deemed necessary by CAHA

a. FUNDS IDENTIFIED MAY NOT BE USED FOR:

1. Reproductions, by mechanical or other means, of original works of art, unless mechanical means of reproductions are an integral part of the creative process. (Subject to approval by the selection Committee as mentioned on section (K) on USE ON FUND: Funds Identified May be used for)
2. Decorative, ornamental, or functional elements which are designed by the building architect or consultants engaged by the architect, as opposed to an artist commissioned for this purpose.
3. Those elements generally considered to be components of a landscape architectural design.
4. Art objects which are mass produced or of a standard commercial design, such as playground sculpture or fountains.
5. Directional, or other functional elements, such as super graphics, signage, color coding, maps, etc., except where these elements are an integral part of the original work of art.
6. Those items which are required to fulfill the basic purpose of the contracting agency. Examples would be works of art in the collection of a state museum, or works of art fulfilling an interpretive or educational role in a college or university art museum or gallery.
7. Preparation of the site necessary to receive the work of art.
8. Energy and water costs of operation of electrical and mechanical systems.
9. Art exhibitions and educational activities.
10. In connection with the works of art after delivery: registration, dedication, unveiling, insurance and security.
11. Architectural services.

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12. Artistic staff salaries, equipment and supplies employed by the building owner.

21. WHO IS ELIGIBLE

Selection preference may be given to local artists who have resided in Guam for at least 6 months prior to the first public announcement of the specific project; who pay taxes in Guam; and are registered with CAHA. Selection preference may be given to local artists.

22. RESPONSIBILITIES

- a. Guam Council on the Arts and Humanities Agency in consultation with the various Government agencies and departments needed to comply with the law and the building owner shall:

1. Be responsible for the selection of the commissioning of artist for, reviewing the design, execution and placement of, and acceptance, of works of art in consultation with the selection committee.
2. Appoint the selection committee.
3. Assist the contracting agency in contract negotiation with the artists.
4. In consultation with the contracting agency, CAHA may transfer works of art between public buildings, whenever, in its judgment, the transfer will be to the benefit of the citizens of Guam. This section only pertains to Government agencies and departments.
5. Handle public information aspects of the project. All expenses incurred will be the responsibility of the contracting agency.
6. Identify and carry necessary maintenance procedures (for up to one year after installation), and maintain accurate records of the collection in partnership with the contracting agency.

- b. The Contracting Agency Shall:

1. Notify the Guam Council on the Arts and Humanities Agency upon Legislative approval of construction/renovation projects which costs over \$100,000. If the contracting agency in this instance must notify CAHA upon approval of support by either government of Guam funds through tax abatements, rebates, loans, loan guarantees or bonds financing or by Federal Funds administered by the government of Guam.
2. Notify the Guam Council on the Arts Humanities Agency of the Project details.

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3. Consult with CAHA and Selection committee on the determination of budget and selection procedures.
  4. Contract with and pay for the architect for administrative and/or design services to be rendered in connection with the commissioning of works of art.
  5. See that payment is made for all costs, professional fees, purchases and commissions in accordance with the Guam Law, these rules and CAHA standards.
  6. Provide project coordination to assure timelines of completion.
  7. Be responsible for inventory and security of the work; and with advice and consent of the Guam Council on the Arts and Humanities Agency for maintenance and repair.
  8. Assist CAHA with public information aspects of the project, with assistance and approval from CAHA.
  9. The Guam Council on the Arts and Humanities Agency and the selection Committee must be informed of any changes in the proposed plans, costs, construction completion date or scope of the project before these changes are implemented.
- c. The Architect Shall:
1. Recommend to the Guam Council on the Arts and Humanities Agency and the contracting agency specific sites for works of art and the scale and type of work thought to be most appropriate.
  2. Act as a member of the selection committee.
  3. Work closely with the artist where required, provide engineering and technical assistance to the artist if requested from the contracting agency.
  4. Assure that all service requirements for the work of art met in the design documents and that the work may be installed with relative ease.
- d. The Artist shall:
1. Be commissioned by the contracting agency (Defined as both governmental and private developments) with approval of the Director of the Guam Council on the Arts and Humanities Agency to execute and complete the work in a timely and professional manner. Be in close contact with the contracting agency before and during installation, and transfer title of an existing work of art to the agency for incorporation in its building inventory.

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2. Deal personally with the other parties in all phases of the negotiations. However, the artist (s) may, at their option designate their dealers or agents to represent them in certain aspects of the project.
3. Copyright: The artist retains those rights concerning the reproduction and of the original artwork for commercial purposes unless specified in the original contract agreed upon by the artist and the contracting agency.
4. Maintain a close working relationship with the architect and contracting agency on commissioned pieces.
5. The artist shall submit all artwork professionally framed (when appropriate) and ready for installation as per the specifications issued by the selection committee. For art works that will require a more complicated than average installation process the artist shall make themselves available for consultation before or at the time of installation.
6. Upon completion of the work (s) or purchased, the artist shall submit to the Guam Council on the Arts and Humanities Agency a detailed description of the work (s) with instructions on its care and maintenance, high resolution digital files, scans and two 8 X 10 glossy photos. The description form shall be submitted concurrently with the final invoice.
7. All plans, drawings, and other materials related to a proposed work of art are the property of the Guam Council on the Arts and Humanities Agency until the final work is installed, at which time such preparatory materials revert to the artist.

### 23. SCOPE AND NATURE EXPENDITURES

While no more than 1% can be dedicated from capital construction appropriations, it is possible that a dollar total greater than 1% can be expended for art in a project if funds are generated from other sources (i.e., governmental or private funds). The 1% figure is a minimum.

If 1% of total funds appropriated for a particular project is not required for that project, such un-required amounts can be: a) used to acquire art for existing government buildings; b) transferred to another construction project, or both, as determined by the Guam Council on the Arts and Humanities Agency, in consultation with the contracting agency. If the contracting agency is a non public building the contracting agency may use these funds to purchase art pieces that will be donated to the people of the territory of Guam, these funds can also be used to fund art related projects, although these expenditures must be approved by the Guam Council on the Arts and Humanities Agency.

Administrative costs of any particular project may be funded through the 1% appropriation and will be limited to the following area:

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- a. Supplies and services connected with public information, and artists' prospect for specific projects.
- b. Selection committee per diem, and artist professional fees.
- c. Contractual Services.

## 24. GENERAL PRINCIPLES AND PROCEDURES

**Integration of Art and Architecture:** So that artists and architects can gain from each others' design insights and, thereby produce a more integrated solution, all parties should strive for engagement of the artist as soon as possible after the approval of the architect's schematic design phase.

**Freedom of Expression:** Because of the bold attempt to meld together the imaginations and talents of so many individuals and groups, freedom to reach creative solutions must always be maintained. The artists, on their part, must be sensitive to the unique qualities of public art and the guidelines and parameters which, of necessity, may have been agreed upon.

**Exhibitions and Educational Aspects:** To serve the public more fully the contracting agencies should consider undertaking the following, funded with monies other than those made available under the Act:

- a. Exhibition of sketches and scale models created in open competitions.
- b. Involvement of students and art instructors in workshops with artists creating works.
- c. Tours of those sites which exhibit many works, conducted by trained docents.
- d. Use of State educational and other facilities by the artist in developing concepts and creating the work, so that the people of the territory of Guam can better understand the creative process. Such facilities might studio space, foundries, machine, welding and woodworking shops, printing and photographic facilities.
- e. Filming or Videotaping the creation and installation of the work.

The Guam Council on the Arts and Humanities Agency is available to provide consultative assistance with these matters.

**Accessibility of Information:** All parties will strive to publicize widely all aspects of the program. All meetings of the Selection Committee are open to the public.

**Community Support and advice:** While firmly committed to the principle of selection of artists by the selection Committee, the Selection Committee welcomes advice from the interested public.

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Conflict of Interest: All procedures will be conducted and all decisions will be made free of any conflict of interest. The Guam Council on the Arts and Humanities Agency will ensure that members of the Selection Committee and the Contracting Agency are not related in any way to the artists submitting portfolios either through kin and/or Business relations.

Dedication: If a dedication or “Unveiling” of work is desired, arrangements shall be the responsibility of the contracting agency in consultation with the Guam Council on the Arts and Humanities Agency.

### 25. DOCUMENTATION

#### Documentation:

- A. Identification: The Guam Council on the Arts and Humanities Agency will assist the contracting agency with identification of artwork for inclusion in labels identifying the work, which are securely affixed, unobtrusive, and well designed; and in a catalog or brochure prepared and published by the contracting agency. Included should be the name of the artist; if any; medium; and year completed.
- B. Registration: The Contracting agency shall maintain accurate inventory records. Copies will be filed with the Guam Council on the Arts and Humanities Agency.
- C. Publications: As Collections grow, contracting agencies are encouraged to publish informative folders and booklets on works of art. The Guam Council on the Arts and Humanities Agency is available to assist with editorial and technical assistance.

## CHAPTER V. HOW IT WORKS – The Percent for the Arts Enhancement Grant Program. (P.L. 31-118 Section 2 subsection 852)

Public Law 31-118 establishes the fund. It mandates the Guam Council on the Arts and Humanities Agency to set up the eligibility requirements governing usage of the fund. The Director of CAHA shall include in CAHA rules and regulations, pursuant to the Administrative Adjudication Law, for the disposition of funds to meet the purpose of fostering culture and arts for the development of local artists, our children and the community as a whole.

## CHAPTER VI. Purpose of Grants

The Percent for the Arts Enhancement Grant Program is a program separate of CAHA’s Annual Grant Program. Percent for the Arts Enhancement Grants are available to enhance cultural and artistic learning opportunities for our youth and youth organizations. Funds will be awarded to assist in areas of cultural and artistic development. Grant applications will be reviewed and administered according to existing CAHA grant review procedures. These projects must demonstrate that they are vital to long term learning and development, and support the continued fostering of the arts and cultural education process for the youth.

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CHAPTER VII. Eligibility

A. Organizations

1. If the applicant is an organization, it must be registered with the government of Guam as a nonprofit organization, or be a bona fide Guam school program, sanctioned by the school's principal and endorsed by the Director of Education, school master or Superintendent of Parochial schools.
2. Organizations that apply for a grant must be in compliance with all applicable laws and regulations.

B. Individuals

1. If the applicant is an individual, he or she must be a permanent resident of Guam.
2. If the applicant is an individual under the age of eighteen years of age, their parent or legal guardian will be able to apply on the minor's behalf.

CHAPTER VIII. Grant Criteria

Percent for the Arts Enhancement Grants will be awarded only to individuals or non-profit organizations.

CHAPTER IX. Application Process

A. Step One: Submission.

1. To qualify for a grant, an application must be filled out and submitted to the Agency - CAHA along with the following information:

A nonprofit organization requesting funds must provide a copy of its articles of incorporation or other proof of registration as a nonprofit organization with the government of Guam. A requesting school must submit a letter from the school's principal and the Director of Education, school master or Superintendent of Parochial Schools, endorsing the organization.

2. Grant applications which do not comply with the requirements of Step One shall not be considered complete and eligible for certification.

B. Step Two: Certification.

The Director will certify the grant application as to its completeness. If the application is not complete, the Agency will send a notification to the applicant either via email or by certified mail informing them of the application's status and that proper adjustment need to be made within 15 days of notification. The Director will certify the grant application as to its completeness. If the grant application is not complete, the Agency will mail a non-certification form to the grant applicant for proper adjustment.

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C. Step Three: Consideration.

1. A certified grant application shall be submitted by the Director to the Board for consideration during the next grant review cycle for the Percent for the Arts Enhancement Program. Applications will be reviewed and considered by the Board on an annual basis, every September of a calendar year.
2. The Board shall approve grant applications in accordance with the purposes stated in Chapter VI of these regulations. Grant applications will be reviewed and administered according to existing CAHA grant review procedures.
3. The Board will not consider any grant application unless Steps One and Two have been completed.

CHAPTER X. Disbursement of Funds

- A. The Director shall manage the Fund and the Agency's certifying officer shall be the Fund's certifying officer.
- B. Upon Board approval of the application, the Agency shall process the necessary paperwork for the grant.
- C. Within thirty days after completion of project/program, the grantee shall provide the Director with a report and an accurate expenses report reflecting the expenditure of all government of Guam funds.

CHAPTER XI. Misuse of Funds

- A. Any person who willfully misuses a grant received under these regulations shall be guilty of a petty misdemeanor and subject to a fine not to exceed \$500.
- B. If the grantee is delinquent in submitting the detailed narrative and expenditure report required by Chapter X, Section C, the Agency shall send a written notice, certified mail, return receipt requested, to the grantee giving the grantee fifteen days from the date of receipt of the notice to submit the report. Grantees failure to comply may be deemed a violation of said chapter.
- C. If the grantee breaches any provision of the grant agreement or grantee fails to complete the grant project, grantee shall return immediately any all funds previously received from the grantor for which grantor has made written demand.

CHAPTER XI. Grant Limitations

- A. Only one grant from the Fund can be awarded per organization program or individual per year.

# PROCEDURES AND GUIDELINES HANDBOOK FOR ART IN PUBLIC BUILDINGS AND BUILDINGS SUPPORTED BY FEDERAL AND GOVERNMENT OF GUAM FUNDS IN THE TERRITORY OF GUAM AND THE PERCENT FOR THE ARTS ENHANCEMENT GRANT PROGRAM

- B. All grants awarded through the Agency are contingent upon the availability of funds and final approval by the governor.

## CHAPTER XII. Recording Requirements

Reporting Requirements – Art in Public Buildings and Buildings Supported by Federal and Government of Guam Funds in the Territory of Guam and the Percent for the Arts Enhancement Grants Program.

On the first (1<sup>st</sup>) day of each fiscal quarter the CAHA Director shall provide I Maga’lahen Guahan and the Speaker of I Liheslaturan Guahan and post on the CAHA website a detailed report of how the funds were allocated and utilized.

A. The quarterly report for the Art in Public Buildings and Buildings Supported by Federal and Government of Guam Funds in the Territory of Guam shall include the following information concerning the use of the Fund:

1. The number and names of projects.
2. The amount allocated towards the program per project.
3. Other pertinent data concerning management of the fund.

B. The quarterly report for the Percent for the Arts Grants Enhancement Program shall include the following information concerning the use of the Fund:

1. The number and names of applicants.
2. The number, names of grantees and amounts of grants awarded.
3. Other pertinent data concerning management of the fund.

Furthermore, the Guam Council on the Arts and Humanities Agency shall annually make a public report on all Art in Public Buildings and Buildings Projects Supported by Federal and Government of Guam Funds in the Territory of Guam and the Percent for the Arts Enhancement Grants Programs of the previous year.

## *CHAPTER XIII. SEVERABILITY P.L. 31-118 Section 4*

*If any provisions of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provision or applications of this Law which can be given effect without the invalid provision or applications and to this end the provisions of this Law are severable.*

## IN CONCLUSION

Guam’s 1% Program is dedicated to placing visual art of the highest quality by contemporary and traditional artists where the people of the Territory of Guam can appreciate. In so doing, the Territory of Guam is building a significant art collection of historic value for its people. Furthermore, it will enrich the lives of our children, local artists and the community as a whole.