

**FIRST AMENDMENT TO SPECIAL SERVICE CONTRACT  
BETWEEN PARK CITY SUMMIT COUNTY  
ARTS COUNCIL AND  
PARK CITY MUNICIPAL CORPORATION  
FY 2016-2017 and FY 2017-2018**

THIS FIRST AMENDMENT is made and entered into by and between PARK CITY MUNICIPAL CORPORATION and Arts Council, a Utah nonprofit to amend<sup>[PSM1]</sup> the Special Service Contract between Park City Municipal Corporation and the Arts Council that went into effect July 1, 2016 and which amends Article I and II and provides for additional funds and additional scope. Articles I and II shall read as follows:

**ARTICLE I  
TERM AND ALLOCATION**

Arts Council shall have a special service contract with a term of two (2) years. Half of the total contract amount of Forty Thousand Dollars (\$40,000) will be available each year. Eighty percent 80% of each annual appropriation will be available at the beginning of the fiscal year, with the remaining twenty percent 20% to be distributed upon demonstration through quantifiable and qualified measures that the program has provided public services meeting its goals and mutually agreed upon Performance Measures as delineated in Attachment A attached hereto and incorporated herein.

FY 2016-2017:	\$16,000.00 available 7/1/16	\$4,000.00 available upon performance review
FY 2017-2018:	\$16,000.00 available 7/1/17	\$4,000.00 available upon performance review
TOTAL amount available for allocation:		\$40,000.00

In addition, Arts Council shall have a special service contract extraordinary amount of \$15,000. With the total additional amount of Fifteen Thousand Dollars (\$15,000), eighty percent 80% of the additional amount to be available at the execution of this First Amendment, with the remaining twenty percent 20% to be distributed upon demonstration through quantifiable and qualified measures that the program has provided public services meeting its goals and mutually agreed upon Performance Measures as delineated in Attachment C attached hereto and incorporated herein.

FY 2016-2017:	\$12,000.00 available 6/20/2017	
FY 2017-2018:		\$3,000.00 available upon performance review
TOTAL additional amount available for allocation:		\$15,000.00

**ARTICLE II**  
**SERVICES TO THE COMMUNITY**

In exchange for the City's contribution, Arts Council agrees to provide:

- Cultural Tourism and Marketing;
  - Internet advertising, social media, promotional materials for Park City's arts and culture including events and activities in Park City
- Support of the Public Art Advisory Board by:
  - Promotion of public art projects
  - Provide advice and guidance through the Park City Public Art program's strategic visioning, budget and funding planning.
  - Biannually present grant and external funding opportunities to the PAAB.
    - City Staff and/or PAAB would be responsible for writing or pursuing opportunities where the City is the lead and is accountable for completing grant related projects.
    - Arts Council would be responsible for serving as a lead for opportunities where the City is a partner.
    - Arts Council will review and provide oversight on grants the City chooses to pursue that do not conflict with Arts Council opportunities.
    - As deemed appropriate by the City, the Arts Council would serve as a fiscal agent for 10% of fees of the funding opportunity.

A copy of the Arts Council Special Service Contract Application, attached hereto and incorporated herein by reference as Attachment B, provides detailed information concerning the above services.

Both parties agree that the above services provided to the community represent a good faith exchange of current fair market value for the City's contribution.

In exchange for the City's additional contribution of \$15,000 on June 15, 2017, Arts Council agrees to provide:

The development and delivery of an Arts and Culture Master Plan as outlined in Attachment D – Park City Summit County Arts Council Special Service Contract Extraordinary Request Application and Attachment C - Performance Measures and Deliverables Arts & Culture Master Plan

Both parties agree that the above additional services provided to the community represent a good faith exchange of current fair market value for the City's contribution.

All other terms of the Special Service Contract remain in full force and effect.

IN WITNESS WHEREOF the parties hereto have caused this First Amendment to be executed the day and year herein written

DATED this 20 day of June, 2017.



PARK CITY MUNICIPAL CORPORATION

[Signature]  
Diane Foster, City Manager

Attest:

[Signature]  
Michelle Kellogg, City Recorder

Approved as to form:

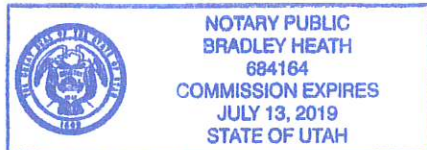
[Signature]  
City Attorney's Office

**PARK CITY SUMMIT COUNTY  
ARTS COUNCIL  
A Utah nonprofit Corporation**

By: [Signature]  
Hadley Dynak, Executive Director

STATE OF UTAH            )  
  ) ss.  
COUNTY OF SUMMIT    )

On this 21 day of June, 2017, before me, the undersigned notary, personally appeared Hadley Dynak, Executive Director of Park City Summit County Arts Council, a Utah nonprofit corporation, personally known to me/proved to me through identification documents allowed by law, to be the person whose name is signed on the preceding or attached document, and acknowledged that she signed it voluntarily for its stated purpose as Executive Director for Park City Summit County Arts Council, a Utah nonprofit corporation.



[Signature]  
Notary Public

# Special Service Contract Application Form

## Park City Municipal Corporation

Please provide 2 (2) hard copies and an electronic copy of this application and all other requested information to the Budget, Debt, and Grants Office by **5:00 pm on March 31, 2016.**

### (1) Organization Contact Information

Name Hadley Dynak, Park City Summit County Arts Council  
Address PO Box 4455  
Park City, UT 84060  
Phone (435) 647-9747 Fax \_\_\_\_\_  
E-mail director@pcscarts.org

### (2) Indicate the applicable Special Service Contract category for this proposal:

- |   |   |
|---|---|
| <input type="checkbox"/> Youth Programming                | <input type="checkbox"/> Victim Advocacy Services/Legal Services  |
| <input checked="" type="checkbox"/> Arts                  | <input type="checkbox"/> Affordable Housing                       |
| <input type="checkbox"/> Recycling/Environmental          | <input type="checkbox"/> History/Heritage                         |
| <input type="checkbox"/> Information and Tourist Services | <input type="checkbox"/> Health                                   |
| <input type="checkbox"/> Senior Services                  | <input type="checkbox"/> Other Community Service (please specify) |
- 

(3) Proposed Total (two-year) Contract Amount: \$ 15,000

### (4) In addition to the above requested information, applications must address the following components:

1. Specific detail of how the requested funds will be used (attach summary - *one page maximum*);
2. Financial information for your organization including annual budget and other sources of potential funding. Please also include 2 years of financial statements such as Balance Sheet, Income Statement, Statement of Financial Position, Activity Statement, etc. or include Independent Auditors' Reports (attach relevant documents);
3. Quantitative and/or qualitative goals (with specific targets) that can be used to measure the degree to which the funds were used for their intended purpose (attach summary - *half page maximum*); and

4. Specifically address how your proposal meets the criteria described in the City's Public Service Contract Policy (specific criteria components are outlined below, please attach no more than one page for each criterion):

**Criterion 1: Accountability and Sustainability of Organization** - The organization must have the following:

- a. Quantifiable goals and objectives.
- b. Non-discrimination in providing programs or services.
- c. Cooperation with existing related programs and community service.
- d. Compliance with the City contract.
- e. Federally recognized not-for-profit status.

**Criterion 2: Program Need and Specific City Benefit** - The organization must have the following:

- a. A clear demonstration of public benefit and provision of direct services to City residents.
- b. A demonstrated need for the program or activity. Special Service Funds may not be used for one-time events, scholarship-type activities or the purchase of equipment.

**Criterion 3: Fiscal Stability and Other Financial Support** - The organization must have the following:

- a. A clear description of how public funds will be used and accounted for
- b. Other funding sources that can be used to leverage resources.
- c. A sound financial plan that demonstrates managerial and fiscal competence.
- d. A history of performing in a financially competent manner.

**Criterion 4: Fair Market Value of the Services** - The fair market value of services included in the public service contract should equal or exceed the total amount of compensation from the City unless outweighed by demonstrated intangible benefits.

Signed:  \_\_\_\_\_ Date: 2/13/17

**Special Service Contract  
Extraordinary Request  
Park City Summit County Arts Council  
Arts and Culture Master Planning Project**

**1. PROPOSED PROJECT REQUEST (one page)**

**Overview/Background**

The Park City Summit County Arts Council is requesting a \$15,000 Special Services Contract from PCMC to support a portion of costs to lead a collaborative, community-wide arts and culture master planning project.

**Purpose**

The Arts and Culture Master Plan will outline the future of arts and culture in Summit County. It will include a set of short and long-term recommendations that address local needs, grow investment in our creative sector, connect arts and culture to City and County priorities, and support the long-term vitality of our arts and culture community.

**Scope of Work**

The Summit County Arts and Culture Master planning process will be organized into three (overlapping) phases each with specific goals, objectives, and deliverables. Work will begin as resources are committed to the project.

Phase 1: Creative Community Inquiry (data collection and analysis)

Phase 2: Creative Community Visioning (convenings and engagement)

Phase 3: Creative Community Action (documentation and recommendations)

The Arts Council will manage the project with the oversight and guidance of a Steering Committee comprised of established project stakeholders. Workgroups will be established to ensure broad participation and input into the planning process. (See Appendix A for more detail on the leadership structure, roles and responsibilities, and confirmed participants)

We will seek a broad base of public participation through digital and in person activities. The Arts Council will launch and maintain a project website to publicize the process and progress, provide a point of access for public survey tools, and share opportunities for engagement. We will also use the Arts Council and partner organizations' platforms to promote the project.

In addition, we will hold at least one community forum/town hall and organize several events at partner sites to collect data and get feedback from the public. We will plan a day-long working meeting (a Master Plan Summit) for participating organizations midway through the process to review data, identify collective priorities, and generate recommendations. Project workgroups will meet at least three times during the course of the planning process to provide insight and direction. The Steering Committee will meet monthly.

## **2. FINANCIAL STATEMENTS**

(attached)

## **3. GOALS AND OBJECTIVES (half page)**

*Phase 1 Goal: Creative Community Inquiry (data collection and analysis)*

- Benchmark other community's arts and culture plans
- Document the state of arts and culture through a cultural program inventory
- Assess current funding allocations for arts and culture
- Define the economic impact of our arts and culture assets
- Assess our creative sector needs through interviews, surveys, and focus groups
- Draft a summary report

*Phase 2 Goal: Creative Community Visioning (convenings and engagement)*

- Document the roles and responsibilities of various arts and culture stakeholders
- Define the collective priorities of arts and culture organizations and the larger creative sector through convenings, open houses, public forums, a community-wide Summit, and workgroup sessions.
- Share progress and updates via the project website and social feeds
- Validate community inquiry data and assumptions
- Draft a summary report

*Phase 3 Goal: Creative Community Action (documentation and recommendations)*

- Develop a series of short and long-term recommendations
- Identify funding needs and financing mechanisms
- Draft an implementation timeline
- Draft a final report of findings and secure public adoption

## **3. SPECIAL SERVICE CRITERIA COMPONENTS**

### **Criteria 1: Accountability and Stability of the Organization**

#### *a. Quantitative goals and objectives*

The Arts Council maintains an annual operating plan with clear goals and objectives for our core marketing, programming, and policy/advocacy priorities. For the proposed master planning project, please see the goals and objectives outlined above.

#### *b. Non-discrimination in providing programs or services*

Arts Council services, resources, and opportunities are available to all, regardless of race, color, religion, sex or national origin.

#### *c. Cooperation with existing related programs and community service*

As an umbrella community nonprofit with a mission to promote, support, and strengthen arts and culture in our community, the Arts Council partners in a variety of ways with all local arts and

culture nonprofits. We lead networking activities, market partner organization's events, conduct partnership programming, and help advance policies to benefit the creative sector. We maintain strong relationships with the following local and statewide arts groups and organizations.

- Arts-Kids
- Alf Engen Museum
- Ballet West
- Egyptian Theatre
- Kimball Art Center
- Park City Institute
- Park City Chamber and Visitors Bureau
- Park City Community Foundation
- Park City Education Foundation
- Park City Film Series
- Park City Gallery Association
- Park City Municipal Corporation
- Park City Museum
- Park City and Summit County School Districts
- Park City Professional Artists Association
- Mountain Town Music
- Sundance Institute
- Summit County Government
- Summit County Museum
- Swaner EcoCenter and Preserve
- Utah Arts Council (Utah Department of Arts and Museums)
- Utah Cultural Alliance
- Utah Nonprofit Association
- Utah Symphony/Deer Valley Music Festival

*d. Compliance with the City contract*

The Arts Council has submitted, and will continue to submit, compliance reports to PCMC, as required, throughout the service contract period.

*e. Federally recognized not-for-profit status*

The Arts Council is recognized by the Federal Government as a 501(c)3 tax-exempt, not-for-profit organization.

**Criteria 2: Program Need and City Benefit**

The intent of the master planning project is to chart a course for the future of arts and culture in Summit County. No current master plan exists for the creative sector and no formal assessment and planning effort for arts and culture has been done since 1999. A diverse group of stakeholders have come together to request the development of a new plan, and the Arts Council will lead the this effort which will benefit the public in the following ways:



- The process will provide a framework to aggregate and analyze data on the current state of arts and culture in our community, its economic impact, and the larger needs of the creative sector.
- It will serve as a means for community engagement with convenings, open houses, and surveys that help us understand the opportunities for arts and culture to advance our city and county goals.
- It will outline and define the collective priorities of those working in our creative sector--the arts and culture nonprofits, local artists, creative industry entrepreneurs, and those making their living working to support our creative enterprises.
- It will outline and define a set of short and long-term recommendations that address local needs, grow investment in our creative sector, connect to City and County priorities, and support the long-term vitality of our arts and culture sector.
- Finally, there are currently a number of development projects underway to grow arts capacity in Park City and Summit County -- from the Brew Pub Lot and Miners Plaza on Main Street to the County Fairgrounds and the capital expansion of the Kimball Art Center. The master planning process can help inform the direction, scope, and decision-making of these and other concurrent countywide arts and culture planning and development initiatives.

### **Criteria 3: Fiscal Stability and Other Financial Support**

The total budget for the proposed scope of work is estimated at \$83,500. Funding will come from a diverse set of stakeholder groups that represent the interests of the larger community. (See Appendix B for the budget breakdown and list of targeted donors.) The requested PCMC Special Service Contract funds will represent approximately 18% of the total budget.

The Arts Council has a comprehensive accounting system in place. Finances are managed by a third party consulting firm and monthly financial statements are prepared by a CPA to ensure financial oversight and inform decision-making. Independent CPAs have performed financial review and audit engagements for the Arts Council in the past, and we will continue this practice annually moving forward.

We will track revenue and expenses for the master planning project and share reports with the Steering Committee to ensure fiscal accountability.

### **Criteria 4: Fair Market Value of Services**

A proposed budget for costs associated with the project is outlined below (Appendix B) along with potential funding sources from a range of institutions that represent the varied interests participating in the planning process. PCMC's portion is an integral component, but is just a

portion of the total which reflects a fair market value, including in-kind services and volunteer time which will total well over \$200K.

#### **4. EXTRAORDINARY REQUEST CRITERIA**

##### **Criteria 1: Special Service Contract Categories**

As an arts effort, the master planning project fits within the normal Public Service Fund Distribution categories.

##### **Criteria 2: Unexpected Fiscal Need**

In September 2015, local Summit County arts and culture groups began to meet to advocate for planning and dialogue in order to secure and expand cultural stability and growth within our nonprofit arts and culture organizations and larger creative sector. This objective was presented to both the City and County Councils, and in February 2016, both Councils appointed a representative to act as a liaison to the Summit County Arts and Culture Initiative.

A Steering Committee was formed that included community/business leaders, PCMC and Summit County Council and staff, and arts and culture representatives. At the November 2016 meeting, the Committee stated their support for a formal Arts and Culture Master Planning process, and members asked that the Arts Council prepare a proposal to manage the work. That proposal was approved by the Steering Committee in December 2016 which launched the fundraising phase of the project. There was not an anticipated or determined need for the requested funds during the open Special Service Contract review period.

##### **Criteria 3: Other Funding Sources**

PCMC Council and staff have been involved in Arts and Culture Steering Committee since its inception and have served as key stakeholders in the discussions about the need for and scope of an arts and culture master plan. Park City Council unanimously supported the idea of a collaborative, community-wide master planning process led by the Arts Council at the December 8th meeting. As previously stated (and outlined in Appendix B), funding sources for the project include a wide range of partner organizations and groups who are interested and involved in the process. PCMC support is a critical part of the total funds requested.

## APPENDIX A

### ARTS AND CULTURE MASTER PLANNING // LEADERSHIP STRUCTURE

The Proposed Leadership Structure of the Arts and Culture Master Planning process includes a range of opportunities for input, engagement, and guidance to the process. The roles and responsibilities of the leadership groups are outlined below.

#### **Steering Committee: Oversight and Guidance**

Meets monthly for one hour. Ensures the planning process is on track and moving forward. Holds the project management team accountable. Advocates on behalf of the project.

#### **Workgroups: Content and Direction**

Provide content expertise and substantive direction to the project in core areas of emphasis. Advocate on behalf of the project. Workgroups meet as needed for a minimum of three longer work sessions. Members work asynchronously to move efforts forward. At least one representative from each Workgroup will be appointed to serve on the Steering Committee.

**Arts and Culture Workgroup:** This Workgroup is for Arts and Culture Nonprofit staff and Nonprofit staff with arts programming/interest in the arts.

TASKS: Help draft survey questions, identify data sources, collect data, review data, organize onsite convenings and open houses, organize interviews/focus groups, represent the project to their constituents, define and clarify priority recommendations, etc.

**Creative Sector Workgroup:** This Workgroup is for artists, writers, product makers, and other creative industry professionals.

TASKS: Help draft survey questions, collect data, review data, organize interviews/focus groups, represent the project to their peers, define and clarify priority recommendations, etc.

**Business Sector Workgroup:** This Workgroup is for business owners and their representatives (bars, restaurants, galleries, resorts, trade associations, etc.).

TASKS: Help draft survey questions, identify data sources, represent the project to their constituents, define and clarify priority recommendations, etc.

**Finance and Philanthropy Sector Workgroup:** This Workgroup is for government officials/ staff, grantmakers, land developers, and others with an interest in assessing the current financing mechanisms of arts and culture and opportunities for growth.

TASKS: compile and review existing investment data, consider RAP tax reauthorization requirements and options, identify alternative financing mechanisms and appropriations for arts and culture priorities, etc.

## **ARTS AND CULTURE STEERING COMMITTEE MEMBERSHIP**

Roger Armstrong (Summit County Council Representative)  
Randy Barton (Egyptian Theater, PC Arts and Culture Representative)  
Jenny Diersen (Park City Municipal Staff)  
Travis English (Summit County Staff)  
Bill Malone (Park City Chamber)  
Bob Richer (Former Council Member)  
Bill Rock (Vail)  
Katie Stellpflug (Kamas Gallery Owner)  
Bob Wheaton (Deer Valley)  
Nann Worel (Park City Council Representative)  
Katie Wright (Park City Community Foundation)

TBD (Historic Main Street Business Alliance)

TBD (Eastside Municipal Representative)

Teri Orr (Chair, Arts and Culture Workgroup)

Rob Slettom (Chair, Business Workgroup)

Mary Beth Maziarz (Creative Sector Workgroup Representative)

TBD (Funding and Philanthropy Workgroup Representative)

**APPENDIX B**

**PROPOSED MASTER PLAN BUDGET: (Jan-Dec 2018)**

<b>ITEM</b>	<b>TIMELINE (11 months/ 48 wks)</b>
<b>Staffing</b>	
Project Manager	40,000
Arts Council ED	20,000
Consultants: data collection, tech, facilitation	15,000
<b>Subtotal</b>	<b>75,000</b>
<b>Misc Expenses:</b> outreach, meetings, technology, contingencies	8,500
<b>TOTAL</b>	<b>83,500</b>

**Projected/Targeted Funding Sources**

<b>Sources</b>	<b>Target</b>
Individual Donors	\$20,000
Chamber of Commerce	\$10,000
City	\$15,000
County	\$15,000
Businesses	\$15,000
Arts and Culture Groups	\$10,000
Grants (UDAM, PCF)	\$5,000
<b>Total</b>	<b>\$90,000</b>

## **Park City Summit County Arts Council Arts & Culture Master Plan Performance Measures & Deliverables**

### *Phase 1 Goal: Creative Community Inquiry (data collection and analysis)*

- Benchmark other community's arts and culture plans
- Document the state of arts and culture through a cultural program inventory
- Assess current funding allocations for arts and culture
- Define the economic impact of our arts and culture assets
- Assess our creative sector needs through interviews, surveys, and focus groups
- Draft a summary report

### *Phase 2 Goal: Creative Community Visioning (convenings and engagement)*

- Document the roles and responsibilities of various arts and culture stakeholders
- Define the collective priorities of arts and culture organizations and the larger creative sector through convenings, open houses, public forums, a community-wide Summit, and workgroup sessions.
- Share progress and updates via the project website and social feeds
- Validate community inquiry data and assumptions
- Draft a summary report

### *Phase 3 Goal: Creative Community Action (documentation and recommendations)*

- Develop a series of short and long-term recommendations
- Identify funding needs and financing mechanisms
- Draft an implementation timeline
- Draft a final report of findings and secure public adoption

### *Community Outreach Deliverables*

- The Arts Council will maintain a website to serve as the public platform for Project engagement, to chronicle opportunities for participation, and to share findings and accomplishments as they unfold during the process.
- The Arts Council will maintain a document that details the scope of participation in the process from each of the stakeholder groups (businesses, nonprofits, creatives, philanthropy and the general public).

### *Budget Deliverables*

- The Arts Council will maintain a project budget and report to the Steering Committee monthly on revenue and expenses.

Through the Arts and Culture Master Planning project and the documentation that results, the Arts Council will answer the following questions:

- Why is Art and Culture important to our whole community? What are the collective priorities of the Arts and Culture community as identified through the project survey, workgroup meetings, community convenings, etc.?
- What is the current level of service and funding for art & culture in Park City? Summit County?
- What are the implementation and financing recommendations (funding, services, etc.) of the Master Planning project as they pertain to partnership, facilities, community involvement, etc.
- How do the results compare to other communities that were chosen as a measure?

Other Requirements:

The City shall appoint a Council Liaison, and Staff Liaison(s) for this project.

The City Staff Liaison(s) shall be appointed by the City Manager with advice from the Economic Development Manager. The City Staff Liaisons shall serve provide staff support to the City Council Liaison, as well as, shall attend Steering Committee Meetings. When the City Council Liaison cannot attend Steering Committee Meetings, the Staff Liaisons shall report back to the City Council Liaison on items discussed.

Additionally the Staff Liaisons shall attend and provide support for the Arts and Culture Master Plan including Public Outreach Meetings/ Convenings, shall write staff reports and participate in and support public presentations including report outs to City Council.

The City Council Liaison shall be appointed by the Mayor and City Council of Park City. The City Council Liaison shall attend Steering Committee meetings and provide updates through the process back to City Council outside of the required Arts and Culture Master Plan check in points as listed above.

The Steering Committee will meet monthly and receive an update report on project process and findings. Steering Committee members including the City Liaison and staff will have time to review and provide input before final documentation, recommendations, priorities, and financing alternatives are compiled.

In coordination with City Staff and Council Liaison, the Park City Summit County Arts Council (Arts Council) is required to report out to City Council twice throughout this process including once no later than July 27th, 2017, and once no later than December 14th, 2017. The City Council may request a verbal update on the project at any time, and in coordination with City Staff Liaison(s), the Arts Council shall update City Council's request no later than 3 weeks after

such a request. At the end of the project, in coordination with the City Staff Liaison, the Arts Council is responsible for providing findings and reporting to City Council. A final report will be completed no later than June 1, 2018.

Funding is contingent on funding from Summit County and diverse community partners. Funding payment recommendation is 80% at contract signing, 20% at delivery of final report. Final payment must occur before the end of the Park City fiscal year (June 30, 2018).