

Summary of Rules

TO: Amy Jo Walters, Arkansas Secretary of State's Office
FROM: Kurt Naumann
Arkansas Economic Development Commission (AEDC)
RE: Summary of Military Affairs Grant Program Rules
DATE: April 28, 2017

The attached rule (*choose one*):

- establishes new
 amends existing
 repeals

rules for administering the Military Affairs Grant Program by the Arkansas Economic Development Commission, as authorized by authority granted under § 15-4-209(a)(1) to administer grants and § 15-4-209(b)(5) to promulgate rules. The rules:

- Define terms introduced in the proposed rules;
- Establish eligibility criteria for the Military Affairs Grant Program;
- Describe the process by which Military Affairs Grant Program applications are submitted, reviewed, and approved;
- Describe the grant agreement execution and funds disbursement process; and
- Identify reporting requirements.

Attached are:

- Summary of Rules
- Rules
- Notice of Rule Making

A copy of the rules, summary of rules, Questionnaire and Financial Impact Statement for Filing Proposed Rules, and Arkansas State Library Agency Certification Form were provided to the Bureau of Legislative Research today.

attachments

Military Affairs Grant Program

Rules

I. Introduction

Overview

As a key component of Governor Asa Hutchinson's 2015 Military Affairs Initiative, to grow, support, and promote the state's military missions, installations and related economic development interests, inaugural funding was appropriated to the Arkansas Economic Development Commission (AEDC) in 2016 to establish the Military Affairs Grant Program (MAGP).

Funds allocated to the MAGP may be granted, at the discretion of the AEDC Executive Director (Executive Director), to applicants meeting eligibility requirements for projects and programs that strengthen and sustain military installations in Arkansas, resulting in economic growth in host communities, surrounding regions, and the State of Arkansas. As such, grants are intended to leverage, not supplant, other funding sources.

Pursuant to authority granted under § 15-4-209(a)(1) and § 15-4-209(b)(5), AEDC has established these rules governing administration of the MAGP.

Program Rule Summary

1. AEDC will periodically solicit MAGP applications as funding becomes available.
2. Eligible applicants shall submit completed applications, on forms prescribed by AEDC and in accordance with submittal deadlines, to request grant funding from the MAGP.
3. The AEDC Military Affairs Director (Director), with advice from the Governor's Military Affairs Steering Committee (Committee), shall review and recommend applications for grant funding to the Executive Director.
4. Applicants receiving approval from the Executive Director shall execute grant agreements with AEDC specifying grant terms and conditions.
5. Grant funding shall be made available to grantees on a cost incurred basis, subsequent to submittal of requests for payment on forms prescribed by AEDC.
6. Grantees shall submit quarterly progress reports throughout the duration of the grant project in accordance with grant terms and conditions.
7. A contingency of up to ten percent (10%) of the grant award may be withheld from final payment until all closeout documents have been submitted and have been approved by AEDC.

Contact Information

For more information, please contact:
Arkansas Economic Development Commission
Military Affairs Director
900 West Capitol
Little Rock, AR 72201
(501) 682-5196

II. Rulemaking Authority

The AEDC has authority, at § 15-4-209(b)(5), to promulgate rules necessary to administer the MAGP.

III. Definitions

1. "AEDC" means the Arkansas Economic Development Commission;
2. "City" means any city of the first class, city of the second class, or any incorporated town in this state;
3. "Committee" means the Governor's appointed Military Affairs Steering Committee;
4. "County" means any county in this state;
5. "Economic development organization" means an organization registered in good standing with the Secretary of State's Office whose major objectives are to promote community and economic development in a geographic area within the State of Arkansas;
6. "Eligible applicant" means a:
 - A. City;
 - B. County;
 - C. Economic development organization;
 - D. Military Community Council;
 - E. Military installation; and
 - F. State agency;
7. "Ineligible costs" means:
 - A. Obligations incurred prior to the eligibility date for incurring project costs as specified in the grant agreement;
 - B. Expenditures for routine repair, maintenance, and operation;
 - C. Expenditures that are unsupported by documentation;
 - D. Project administration costs, including salaries and benefits for grantee personnel, in excess of ten percent (10%) of the grant award;
 - E. Lobbying expenditures;

- F. Purchases of alcohol;
 - G. Entertainment expenses, including meals and activity fees;
 - H. Travel not directly related to the project; and
 - I. Purchases of material and services that result in benefits accruing to areas outside the State of Arkansas;
8. “MAGP” means the Military Affairs Grant Program as administered by the Arkansas Economic Development Commission;
 9. “Military Community Council” means an organization registered in good standing with the Arkansas Secretary of State’s Office whose major objectives are to promote cooperation between military and civilian components of its designated geographic area by providing required infrastructure, safe and secure communities, support services, and a high quality of life through the adoption and implementation of matters of joint interest. Proof of documentation of Military Community Councils shall consist of:
 - A. Proof of legal organization as a business entity in good standing with the Arkansas Secretary of State’s Office;
 - B. A copy of the council’s current bylaws or governing documents approved by the council’s governing board;
 - C. A map of the geographic region covered by the council;
 - D. The identity of each public organization and private organization comprising the council and the role each organization will undertake in the project; and
 - E. A list of the current members of the council’s board of directors;
 10. “Military installation” means:
 - A. Facilities located in Arkansas under the jurisdiction of the United States Department of Defense or the Arkansas State Military Department, including a:
 - (i) Base;
 - (ii) Camp;
 - (iii) Post;
 - (iv) Station;
 - (v) Yard;
 - (vi) Center; and
 - (vii) Homeport facility for any ship.
 - B. “Military installation” does not include any facility used primarily for:
 - (i) National guard armories;
 - (ii) Civil works;
 - (iii) Rivers and harbors projects; and
 - (iv) Flood control projects.

IV. Eligibility

Applicants

To be eligible to receive MAGP funding, an applicant shall:

1. Meet program objectives stated in these rules;
2. Meet the definition of “eligible applicant”;
3. For projects within the legal boundaries of military installations, provide written support for the project by the commander of the military installation to which benefits will accrue; and
4. Submit a completed application, under forms and guidelines provided by AEDC to the Director.

Eligible Costs

The AEDC will review all expenditure requests prior to payment to ensure that costs are consistent with the terms and conditions of the grant agreement and are not “ineligible costs” as defined by these rules. The AEDC reserves the right to disallow all ineligible costs. It is the intention of AEDC to fund only expenditures directly related to projects.

V. Application Process

Application Submittal

The AEDC will periodically solicit MAGP applications as funding becomes available. To request funds under the MAGP, eligible applicants shall, utilizing forms prescribed by AEDC, submit a completed, signed application with all supporting documentation to the Director by the specified submittal due date. Applications shall include:

1. A project title;
2. Applicant contact information;
3. Organizational information;
4. Sources of all funds, including prior MAGP awards, for this project;
5. Previous MAGP awards not included in item 4 above;
6. Proposal information;
7. The amount of funding requested; and
8. Start and completion dates of the project.

Application Review and Approval

No grant offer shall be made by the Executive Director to an applicant until the applicant has completed the following review and approval process.

1. The Director shall conduct a preliminary review of each application to confirm that it:
 - A. Was received on or before the due date specified in the application solicitation;
 - B. Was submitted by an eligible applicant;
 - C. Meets the objectives of the program;
 - D. Identifies clearly defined, measurable outcomes;
 - E. Includes a letter of support from the installation commander if the project is located within the legal boundaries of the military installation; and
 - F. Is complete, including all required appendices and attachments.
2. All applications meeting preliminary review requirements, as determined by the Director, will be forwarded to the Committee at least fifteen (15) days prior to the next scheduled Committee meeting.
3. The Committee shall:
 - A. Review each application in accordance with the MAGP Funding Recommendation Worksheet; and
 - B. Forward completed MAGP Funding Recommendation Worksheets to the Director.
4. The Director shall review each application in accordance with AEDC scoring criteria and funding recommendations provided by the Committee.
5. Upon completion of reviews, the Director will provide funding recommendations to the Executive Director.
6. The Executive Director, after reviewing the Director's recommendations, will specify which applicants may receive grants.
 - A. Unsuccessful applicants will be notified in writing by the Director.
 - B. Approved applicants will be required to execute a grant agreement with AEDC outlining the amount, terms, and conditions of the grant.

VI. Grant Agreements

1. All MAGP grants shall be awarded at the discretion of the Executive Director. Grant agreements shall specify:
 - A. The eligibility date for incurring project costs;
 - B. The date by which the grantee shall complete the MAGP-funded portion of the project;
 - C. Terms and conditions of the grant agreement;

- D. The amount of approved costs, determined through negotiations with the Director and applicant; and
- E. The process by which grant funds shall be disbursed to the grantee.
- 2. The amount of the grant shall be discretionary and may be for amounts less than requested, subject to funding availability, and Executive Director's discretion.
- 3. Grants may be funded from any source of funds allocated to the MAGP.
- 4. Grants will be executed according to the following process:
 - A. Two original copies of the grant agreement will be prepared by the Director and forwarded to the grantee for signature and return.
 - B. Upon receipt of the signed grant agreements from the grantee, the Director will prepare an approval letter and forward the grant agreement and the approval letter to the Executive Director for signature.
 - C. One original copy of the grant agreement will be forwarded to the grantee with the approval letter.

VII. Grant Disbursement

- 1. Expenditures incurred before the eligibility date for incurring projects costs specified in the grant agreement are ineligible.
- 2. A contingency of up to ten percent (10%) of the grant award may be withheld from final payment until all closeout documents have been submitted and have been approved by AEDC.

VIII. Reporting

Grantees shall submit quarterly progress reports throughout the duration of the grant agreement in accordance with terms specified in the grant agreement. Failure to submit reports in a timely manner may delay disbursement of grant funds.

Quarterly reports shall be made available for discussion by the Committee and Director at Committee meetings.