



Legislation Text

File #: 18-1025 CRA, Version: 1

TO: CRA Board of Commissioners
FROM: Kim N. Phan, Legal Advisor
THROUGH: Renée A. Jadusingh, Esq., Executive Director
DATE: March 22, 2022

FOLLOW UP - ACHIEVING GOALS USING IMPACT DRIVEN EVALUATION FUNDING AGREEMENT - OLD SCHOOL SQUARE CENTER FOR THE ARTS, INC.

Recommended Action:

Approve the following:

- 1) Deem Old School Square Center for the Arts, Inc. ("OSSCA or OSS") has failed to cure the deficiency (ies) to the satisfaction of the CRA as set forth in the Notice of Deficiencies dated February 23, 2022 and pursuant to the Achieving Goals Using Impact Driven Evaluation ("A-G.U.I.D.E.") Funding Agreement dated October 16, 2020 ("A-G.U.I.D.E. Funding Agreement");
- 2) Issue OSSCA formal written notice that the A-G.U.I.D.E. Funding Agreement is immediately voided;
- 3) Authorize the recoupment of the funding amount allocated for fiscal year 2020-2021 and disbursed by the CRA to OSSCA for the first quarter of the fiscal year 2020 - 2021 in the amount of One Hundred Eighty Seven Thousand Five Hundred and 00/100 Dollars (\$187,500.00) by issuing a fifteen (15) days demand letter; and
- 4) Authorize the CRA's Chair, Executive Director and legal counsel to execute any and all related documents.

Background:

At the January 25, 2022 CRA Board meeting, a detailed update was provided to the Board on the status of OSSCA's fiscal year 2020-2021 A-G.U.I.D.E. Funding Agreement. The update summarized OSSCA's failure to provide the CRA with information and documentation previously requested and deemed necessary by the CRA to fully evaluate OSSCA's performance, financial status, to determine if the funds are being expended in accordance with their A-G.U.I.D.E. application and A-G.U.I.D.E. Funding Agreement.

At the February 22, 2022 CRA Board meeting, the Board approved the issuance of a formal written notice of deficiency(ies) and an opportunity to cure pursuant to the A-G.U.I.D.E. Funding Agreement ("Notice of Deficiency") to OSSCA. The CRA issued the aforementioned Notice of Deficiency on February 23, 2022 and delivery was confirmed on February 24, 2022. The cure period expired on March 10, 2022.

To date, OSSCA has failed to submit all the information requested in the Notice of Deficiencies dated February 23, 2022, and the information OSSCA submitted is insufficient for the CRA to fully evaluate OSSCA's performance, financial status, and to determine if the expenditure of funds is in accordance with the A-G.U.I.D.E. funding application and A-G.U.I.D.E. Funding Agreement. Accordingly, OSSCA has failed to cure the deficiency(ies), set forth in the Notice of Deficiency and pursuant to the A-G.U.I.D.E Funding Agreement, to the satisfaction of the CRA. Staff is requesting Board approval for the following:

- 1) Deem Old School Square Center for the Arts, Inc. ("OSSCA or OSS") has failed to cure the deficiency (ies) to the satisfaction of the CRA as set forth in the Notice of Deficiencies dated February 23, 2022 and pursuant to the Achieving Goals Using Impact Driven Evaluation ("A-G.U.I.D.E.") Funding Agreement dated October 16, 2020 ("A-G.U.I.D.E. Funding Agreement");
- 2) Issue OSSCA formal written notice that the A-G.U.I.D.E. Funding Agreement is immediately voided;
- 3) Authorize the recoupment of the funding amount allocated for fiscal year 2020-2021 and disbursed by the CRA to OSSCA for the first quarter of the fiscal year 2020 - 2021 in the amount of One Hundred Eighty Seven Thousand Five Hundred and 00/100 Dollars (\$187,500.00) by issuing a fifteen (15) days demand letter; and
- 4) Authorize the CRA's Chair, Executive Director and legal counsel to execute any and all related documents.

Attachment(s): Exhibit A - Notice of Deficiency; Exhibit B - FY 2020-2021 - OSSCA A-G.U.I.D.E. Funding Agreement

CRA Attorney Review:

N/A

Funding Source/Financial Impact:

Funding previously allocated from General Ledger #7376 - A-GUIDE Funding.