

**250-RICR-40-20-14**

## **TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

### **CHAPTER 40 – AGRICULTURE AND RESOURCE MARKETING**

#### **SUBCHAPTER 20 – MARKETING**

PART 14 – Rules and Regulations Governing the Administration of the Local Agriculture and Seafood Small Grants and Technical Program

#### **14.1 Authority**

These Rules and Regulations are promulgated as authorized by the Rhode Island Local Agriculture and Seafood Act, R.I. Gen. Laws § 2-25-1 *et seq.*, and in accordance with R.I. Gen. Laws § 42-17.1-1 and Chapter 42-35.

#### **14.2 Purposes**

A. The purposes of these rules are:

1. To accomplish the purposes of R.I. Gen. Laws Chapter 2-25;
2. To establish the operating procedures for the administration of the Local Agriculture and Seafood Act grant program, and,
3. To provide for coordinated administration of any funds from philanthropic or other sources which may be made available to accomplish the purposes of R.I. Gen. Laws §§ 2-25-5(1) through (5) inclusive and § 2-25-7(b).

#### **14.3 Definitions**

A. Unless otherwise indicated or clearly implied, the following terms shall have the meaning herein set forth:

1. “Act” means the Local Agriculture and Seafood Act, R.I. Gen. Laws Chapter 2-25, as that chapter may be amended.
2. “Committee” means the Local Agriculture and Seafood Act Advisory Committee.
3. “Department” means the Department of Environmental Management.
4. “Director” means the Director of the Department or his or her duly authorized agent(s).

5. "Division" means the Division of Agriculture in the Department.
6. "Fund" means the local agriculture and seafood small grants and technical assistance fund.
7. "Matching support organization" means any charitable foundation or any non-profit entity acting under an agreement with a charitable foundation that provides support to any eligible entity to accomplish the purposes of the program.
8. "Program" means the local agriculture and seafood small grants and technical assistance program, as described in R.I. Gen. Laws Chapter 2-25 and these rules.
9. "Program costs" means all costs of administering the program, including making grants and awards and providing technical assistance to accomplish the purposes set forth in R.I. Gen. Laws §§ 2-25-5(1) through (5) inclusive and for the purposes set forth in R.I. Gen. Laws § 2-25-7(b).

#### **14.4 Local Agriculture and Seafood Act Advisory Committee**

- A. Establishment. The Director hereby establishes a Committee, of not less seven (7) nor more than eleven (11) members, to advise and assist the Department in matters related to the program and to facilitate the coordination of the program with outside resources which may be used to accomplish the purposes of the program.
- B. Membership. The Chief of the Division shall be an ex officio voting member; the balance of the members shall be appointed by the Director to achieve reasonable representation of entities concerned with local agriculture and seafood sectors, sustainable food systems, and the Rhode Island economy. Appointed members of the Committee shall serve at the pleasure of the Director and shall continue in office until their successors are duly appointed.
  1. The Director shall appoint member(s) to the Committee from each Matching Support Organization, with no minimum or maximum number of members from this category.
  2. The Director shall give consideration to appointments from:
    - a. The RI Agricultural Partnership, the RI Farm Bureau, the RI Economic Development Corporation, Farm Fresh RI, RI Sea Grant, the Ocean State Aquaculture Association, and the RI Food Policy Council and/or from;
    - b. Agencies, organizations and individuals having a role or interest in the planning, development, and support of viable agriculture and seafood sectors and a locally based sustainable food system.

Eligible organizations or individuals may register their interest in membership, in writing, with the Director; organizations may nominate individuals for appointment. The initial appointments shall be for terms of one, two, and three years, thereafter appointments shall be for terms of three years.

- C. Vacancies. Upon termination for good cause, by resignation or other reasons, the Director may fill vacancies for voting members on the Committee by appointing a person to be a member of the Committee for the balance of a term. The removal of a member by the Director shall be made in writing and shall state the reason or reasons for the removal.
- D. Officers. There shall be officers of the Committee as follows:
  - 1. A chairperson who shall be the Chief of the Division, or another person from the Department designated by the Director.
  - 2. A vice-chairperson who shall be appointed by the chairperson from the membership of the Committee at the first regular meeting of the Committee of the calendar year.
  - 3. A secretary who shall be appointed by the chairperson, the secretary need not be a member of the Committee. The chairperson, or in the absence of the chairperson, the vice-chairperson shall preside at meetings of the Committee. The secretary shall provide notice of the meetings of the Committee, take the minutes of meetings of the Committee, and shall maintain the records of the Committee. All persons appointed to be officers of the Committee shall continue in office until their successors are duly appointed.
- E. Staff support and meeting space. The Department shall provide such support and meeting space as the Committee may reasonably require.
- F. Meetings. The Committee shall establish a schedule for regular meetings at the beginning of each calendar year. The Committee shall hold at least three (3) regular meetings per year. The Chairperson may call special meetings or cancel regular meetings at any time by notifying members as soon as is reasonably possible and in accordance with the Rhode Island Open Meetings Act, R.I. Gen. Laws Chapter 42-46.
- G. Quorum and voting. A majority of the members of the Committee, not including any vacancies, shall be necessary for quorum; all actions by the Committee shall be decided by a majority vote of Committee members present at the meeting.

## **14.5 Fund**

- A. Purposes of the Fund. The purposes of the Fund are to:

1. Assist in the marketing of Rhode Island grown agricultural products and local seafood for the purpose of sale and promotion within the State of Rhode Island or United States.
2. Enhance the economic competitiveness of Rhode Island grown agricultural products and local seafood.
3. Provide financial and technical assistance support to organizations and farmers for activities and programs which enhance the economic viability of local agriculture, and support the development of a locally based, safe and sustainable food system.
4. Provide individual farm grants to small or beginning Rhode Island farmers that support the entry or sustainability within the respective industry.
5. Work with the state department of health to further develop and support food safety related programs and standards pertaining to local agriculture and seafood, and;
6. Perform other activities necessary to facilitate the success and viability of the state's agricultural and seafood sectors, and to;
7. Provide administrative and technical support of the program.
8. Leverage program funds with other potential federal, state or nonprofit funding sources.
9. Develop, implement and enforce when appropriate food safety related standards and programs related to local agriculture and seafood in coordination with the Rhode Island Department of Health and appropriate federal agencies.

B. Small grants program. A non-profit entity or small or beginning farmer may apply to the Department for a grant to be used to fulfill the purposes of the Program as stated in R.I. Gen. Laws §§ 2-25-5(3) and 2-25-5(4). Any grant disbursed under the Program shall not exceed twenty thousand dollars (\$20,000) per year. Applications for grants authorized under this section shall:

1. Provide a brief summary of the nonprofit entity or small or beginning farmer's mission, goals, history, programs, and major accomplishments, success stories and qualifications;
2. Briefly describe the proposed project or program, the capacity to carry out the program and who will benefit from the program;
3. Describe the expected outcomes and the indicators of those outcomes;

4. Outline the timeline to be used in the implementation of the program or project; and,
  5. Provide a program or project budget.
- C. The funds shall also be used by the Department to provide administrative and technical support to the Program, and to leverage Program funds with other potential federal, state or nonprofit funding sources, and shall serve to develop, implement and enforce when appropriate food safety related standards and programs related to local agriculture and seafood in coordination with the Rhode Island Department of Health and appropriate federal agencies. Not more than twenty-five percent (25%) of the funds in any year may be used by the Department for Program administration, training and technical support.

#### **14.6 Allocation of Funds and Other Resources**

- A. The Committee shall annually recommend to the Director an allocation of funds and other resources available to the Program to accomplish the purposes of the Fund. The allocation of funds and other resources recommended by the Committee shall include such project categories and such timetables for applications, application evaluations, and awards as the Committee deems necessary to implement the proposed allocation.
- B. The Committee may recommend minimum and maximum amounts of funding to be awarded to an applicant or project within any funding period or for any project category. The Committee shall take into account, in making its recommendations to the Director, the availability or potential availability of support from matching support organizations.
- C. Amending allocations. Except during periods when applications are being made to the Committee, the Committee may recommend to the Director changes in the amount of allocations to purposes of the Fund and/or project categories in order to achieve optimum use of the funds and other available resources. The recommendation to the Director of a change in allocation shall include a statement justifying the recommended change.
- D. Project categories-eligible applicants. The project categories included in the allocation recommended by the Committee to the Director shall include a list of categories of eligible applicants for each category; for the small grants program the categories of eligible applicants shall be consistent with the requirements of § 14.5(B) of this Part.
- E. Evaluation criteria. The allocation recommended by the Committee to the Director shall contain objective evaluation criteria and weighting of the criteria for ranking proposed projects within each project category. The evaluation criteria may include, but not be limited to, matters such as the relevance of the proposed project to the purposes of the Fund, the cost effectiveness of the proposed

project, the timetable for completion of the project, and the experience and capabilities of the entities and persons proposing to undertake the project.

- F. Minimum criteria for small grant programs applications. The evaluation criteria for applications for funds from the small grants program shall include the following matters, as required by R.I. Gen. Laws § 2-25-7(a), in applications:
1. A brief summary of the nonprofit entity or small or beginning farmer's mission, goals, history, programs, and major accomplishments, success stories and qualifications as mandated by R.I. Gen. Laws § 2-25-7, including eligibility for funding;
  2. A brief description of the proposed project or program, the capacity to carry out the program and who will benefit from the program;
  3. A description of the expected outcomes and the indicators of those outcomes;
  4. A timeline to be used in the implementation of the program or project; and,
  5. A program or project budget.

## **14.7 Applications**

- A. Upon approval by the Director of an allocation of funds and other resources, the Division shall establish and implement such application periods, evaluation criteria, procedures and timetables, and award requirements as may be necessary to effectuate the approved allocation.
- B. Application forms. Applications shall be made on forms issued by the Division. Application forms shall be available for download on the Department website as well as by request from the Division.
- C. Filing applications. Applications shall be filed with the Committee, care of the Division, in the manner specified on the application form, including any deadlines specified thereon.
- D. Consideration of applications. Applications for projects will be considered for funding only if:
1. The applicant is an eligible applicant for the project category.
  2. The application is received within the time period for applications noticed by the Division.
  3. The application is complete.

## **14.8 Application Review and Award**

- A. Ranking applications. The Committee shall establish procedures for ranking applications in accordance with criteria included in the allocation approved by the Director and the requirements of §§ 14.7(E) and 14.7(F)(1) of this Part. Each member of the Committee shall independently score each application in accordance with the procedures for ranking applications.
- B. Committee action. The Committee shall meet and review the independent scores given by all Committee members to each application. The Chairperson of the Committee shall tally the independent scores of each Committee member at the meeting in which members provide the independent scores for each application. The Committee is permitted to discuss the potential award outcomes based upon the scores and make adjustments as deemed necessary to reflect the purpose and intent of the Fund.
- C. Awards by the Director. Upon the receipt of the findings and recommendations of the Committee, the Director shall have the sole authority to make awards to projects in order to accomplish the purposes of the Program and to meet the requirements of the Act. In making awards, the Director may, in exercising this authority, decide that it is necessary or appropriate to amend the recommendations of the Committee; the justification of any such amendment shall be made in writing.
- D. Letters of award. Letters of notification of award shall be sent to all applicants by the Chairperson of the Committee. Applicants who were not awarded funding shall be given a brief explanation of why the application was not awarded funding. Letters of notification of award for applications approved for funding shall include any requirements that must be met by the applicant to receive the funding awarded.

## **14.9 Coordination with Other Sources of Funding**

- A. Any matching support organization may coordinate its support with the Program to increase the effectiveness of the Program. Any support provide by a matching support organization under the provisions of this rule shall be considered leveraged funds or matching for purposes of the Act.
- B. Outreach, training and education. Matching Support Organizations with the approval of the Committee may conduct such outreach, public education, training and technical assistance activities with regard to the Program as may be desirable to enhance the effectiveness of the Program and/or increase participation in the Program.
- C. Fund disbursement. In order to facilitate achieving optimum effectiveness of the Program, awards may be made from the Fund and from a matching support organization on joint basis in any proportion, or solely from the Fund or from the

matching support organization. For the purposes of the Act and annual reporting, matching and leveraging shall be reported on aggregated basis.

#### **14.10 Accountability and Oversight**

- A. The Department shall annually submit a report, including an addendum summarizing the feedback provided at the public meeting(s) referenced below in § 14.10(B) of this Part, to the general assembly.
- B. Annual report. On or before March 31st of each year, the Department, in conjunction with the Committee, shall prepare a report on the performance of the Program, and the expenditures made during the prior year from the Fund and by other matching sources to accomplish Program purposes, and on how funds provided through Fund might be used during the current year and for the next following year. The report shall include any additional, relevant information relating to the administration of the Program, and the status of any state based agricultural assessments and local food production assessments.
- C. Community review meeting. The Department with the Committee shall annually schedule and conduct one or more public community review meetings to solicit:
  - 1. Input on whether the Program is serving its intended purposes; and,
  - 2. Recommendations for modifying the Program.

#### **14.11 Construction and Severability**

- A. Application. The terms and provisions of these Rules and Regulations shall be liberally construed to permit the Department to effectuate the purposes of federal and state laws, goals, and policies.
- B. Severability. If any provision of these Rules and Regulations, or application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.