

From: [Kiel Lopez-Schmidt](#)
To: [Kimberly McCoy](#); [REDACTED]; [Laura Ward](#); [REDACTED]; [Clerk](#);
Cc: [Ome Lopez](#); [REDACTED]
Subject: EAAC process written comments
Date: Monday, September 15, 2025 10:10:30 AM
Attachments: [email response EAAC Project Review - Inflated Budget Comments.pdf](#)
[EAAC 2025 Appeal - STCLT.pdf](#)
[Email EAAC Project Review - Inflated Budget Comments.pdf](#)
[South Tower Community Land Trust Mail - EAAC Grant LOI questions.pdf](#)

External Email: Use caution with links and attachments

Fresno Parks Recreation Arts and Culture Commissioners,

Sorry for the delay in sending you an email about my observations on the Measure P EAAC Grant process. I'm Ccing Vishinna Turner our Board Vice President and artist as well as Elliot Bailey our Community Outreach Coordinator. I'm currently in Nashville so will not be able to attend the PRAC meeting tonight. But Vishinna and Elliot may be in attendance in person or virtually.

Last year, South Tower CLT applied for both project and general operating support. We scored well enough to get an 80% award for our project. We scored poorly on general operating and did not get an award. From reviewing the comments, we were provided and back and forth with Lilia at FAC, it was clear they did not consider us an arts & culture organization. Even when I pushed back about architecture and our method of community organizing are both inseparable for art & culture. From that it was clear the first round panel was given no definition of art and culture and were welcomed to use their own definition in what is art and culture.

This second round has been very illuminating and appalling to see more into the process. First, at the LOI stage in March we were clearly told that because our 990 did not contain an NTEE code beginning with an A that we were not eligible for general ops and we applied for a project again. We brought up that the guidelines said we could use other documents to meet that criteria, but Lilia claimed ignorance about what any of those documents could be. After the fact, I learned other organizations including Root Access got different answers and were allowed work arounds like their GuideStar profile to qualify for general operating. This felt like Lilia was intentionally withholding information with intent to limit the pool of applicants for established org general ops grants.

In the project review process, we got a very cryptic notice about the review schedule but did not feel like we were invited to observe until Ome at Dulce Upfront informed me that it was important that we attend.

I attended three of the review sessions: Two covered established organization projects and one emerging organization projects. The layout was strange with chairs spaced out by 6 feet around the perimeter being the only place we were allowed to seat and we were far away and at an angle to the projection screen that I could barely make out what was being presented. We were also instructed that we could not use any devices like cell phones or laptops. We were

only allowed to take notes on paper.

Of the three sessions there was not a consistent number of reviewers. One had 3 reviewers, one had 4 reviewers and one that was the session our project was reviewed only had one reviewer present.

Within the review of our project, I witnessed a striking amount of overreach and bias from FAC staff in interrupting reviewers and providing them with information not included in the project application or guidelines. See our appeal letter for specific examples.

Other projects I heard commentary about the Traditional African Braiders Academy and Black Hair: A Visual Anthology project review, I heard "doing hair" questioned as a cultural art. I believe that comment came from a reviewer but it was not questioned by FAC staff. This comment felt like a race based micro aggression.

On several projects from small organizations that have limited capacity for outreach to the general public, I heard the scoring rubric for Diversity Equity and Inclusion statement used inappropriately against these organizations' projects. The commentary was that these projects weren't doing enough to welcome everyone into their programming so they are not meeting the requirement for diversity and inclusion even though these projects were coming from organizations that have not received equitable arts and cultural investments.

Related to the funding allocations I have two comments. I feel it is inappropriate to allocate more than 40% of the resources to Established organization general operations. This is especially true with FAC staff having inconsistent communication and process for organizations to qualify for this bucket of funds. Conversely, the Established Org Project receiving only 32% of the funds rather than for target of 40% previously shared.

There were substantial inconsistencies across the categories including who the reviewers were and how many reviewers each group of applications had for initial scoring as well as the panel review. For instance, our project was scored by 4 reviewers and had only one for the panel review where reviewers have a chance to discuss with their peers and adjust funding. Other applications were scored by 5 reviewers and had 4 reviewers present for the panel review. This is not a fair playing field Because of this I feel it is not fair to use the point score across categories to set funding levels. The funding levels should include the share of funds shared in the RFP/NOFA guidelines.

I was shocked that so many projects are proposed for partial funding. While I understand this is an effort to spread the funding to as many organizations and projects as possible. However, I feel this will have significant negative consequences. First, this is unsustainable as application numbers grow, at some point it will be impossible to fund the majority of projects and consistent fund allocation processes should be implemented now that will work as application numbers grow in future rounds.

Partial funding for general operations seems fine, but partially funding a project creates numerous issues. First it creates an urgent need to raise additional funding for a project in order to complete the proposed scope. However, in the grant award process we are asked to quickly submit a revised scope of work and budget that does not allow enough time to raise other funds. This puts a potential burden on our organization to pursue both fundraising and implementing a reduced project scope simultaneously. Another potential negative

consequence is artist and cultural workers being underpaid due to partial awards. The last potential negative consequence is that organizations are going to begin requesting more funding than they need because of a history of only awarding partial funding.

A summary of my recommended actions are:

1. With significant errors, inconsistency in review and dramatic levels of bias and prejudice exhibited by FAC in administering this process, restarting the review with better guardrails is appropriate to restore transparency and trust in the process.
2. DEI and bias training of FAC staff and reviewers is needed to more fairly implement these grants.
3. The operating on the Art/Culture Grants subcommittee as an Ad Hoc committee without publicly noticed meeting with publish agendas and meetings appears to be a violation of the Brown Act in the same what the Fresno City Council Ad Hoc Budget Committee was determined by legal challenge to be a violation of the Brown Act. This Grants Committee should revise its processes to comply with the Brown Act.
4. All projects that did not have sufficient reviewer panel participation should be audited and rescored regardless of whether appeals were received or not.
5. If funding with current scores proceeds with current scores, funding allocations should honor the 40/40/10/10 split
6. Scores should not be compared across categories for setting funding levels because of differences in how projects are reviewed versus general ops and because of inconsistencies across review panels.
7. PRAC should seek guidance on consequences for FAC errors and bias exhibited in this process. Additional guardrails and backup plans should be developed to prevent this from happening again or quickly implementing alternating grant management plans if these errors and bias at FAC continues.
8. Scoring rubric should be revised to identify and rewards organizations and projects that increase equitable access to arts and culture. The current rubric identifies and rewards experienced grant writing professionals that has a bias against emerging and small organizations and artists without that capacity which is contrary to the standard definition of equity and does necessarily equate with the most impactful use of these funds in expanding access to those who have historically experienced disinvestment.
9. Location of the project/org should be included in the review and allocation of resources and be included in the recommended allocations when ever published.

Attached are my email correspondence with Lilia pre application and post panel review as well as our appeal letter.

Thank you for your consideration.

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Kiel Lopez-Schmidt (he/they)
Executive Director



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<https://linktr.ee/southtowerclt>



Kiel Lopez-Schmidt [REDACTED]

EAAC Project Review - Inflated Budget Comments

Lilia Gonzales Chavez [REDACTED]
To: Lopez-Schmidt Kiel [REDACTED]

Mon, Aug 11, 2025 at 8:20 AM

Kiel no scores were changed and the reviewer present did raise her score.
Sent from my iPhone

On Aug 11, 2025, at 8:01 AM, Kiel Lopez-Schmidt [REDACTED] wrote:

[Quoted text hidden]

SOUTH TOWER

community land trust

September 14, 2025

Lilia Gonzalez Chavez
Executive Director
Fresno Arts Council
1245 Van Ness Ave.
Fresno, CA 93721

Dear Mrs. Chavez:

On behalf of the South Tower Community Land Trust, I would like to submit this written appeal for our project as well as the two projects that we fiscally sponsored. The full project titles are below:

1. Broadway Paque Public Art & Activation Project
2. Deep Roots Storytelling and Advocacy Series (fiscally sponsored)
3. My Neighbor's Neighbor (fiscally sponsored)

While the Broadway Parque Project is recommended for a partial award, there were significant clerical, technical and prejudicial issues with the project review that warrant an audit. Additionally, both of our fiscally sponsored projects were not recommended for any award and warrant audit as well. Please review the information below as grounds for appeal.

Broadway Parque Public Art and Activation Project has grounds for review with both clerical and technical errors as well as application materials being incorrectly processed that impacted scoring.

The clerical error was that the panel review session on 8/8/25 that reviewed two of our projects only had one reviewer attend. We have learned that another reviewer requested to attend via Zoom but was denied that accommodation by FAC staff even though that accommodation was available for other review sessions. These sessions are a critical step of the review that allows reviewers to share with their peers and adjust scoring. With only one reviewer being present, our projects and others reviewed during that session were not given the same depth of review creating an unequal playing field.

The Broadway Parque Project technical error came when Mrs. Chavez used her position as moderator of the review process to monologue about how "the budget is actually very inflated" because it exceeded \$65/square foot of mural area. This editorial commentary was an overstep of the role of FAC staff in the review process and demonstrated an extreme prejudice against South Tower CLT's proposed project. I observed the review of 3 other mural projects and none of those did FAC staff share the \$65/sf budget benchmark which is also not included in the published guidelines. Not only that, but this claim of an inflated budget was built upon FAC miscalculation of the scope of our project. The scope stated in our application is two 150 foot x 8 foot walls totalling 2,400 square feet with a proposed budget of \$117,366 equals \$48.90/sf. FAC staff had only used half our area to arrive at \$97.80/sf which was a technical error.



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The incorrect processing of the Broadway Parque Project includes two factors. First was the info on process above demonstrated FAC staff efforts to influence the one reviewer present. The commentary about the “inflated budget” was only shared after the reviewer had made positive comments about the project budget and requested to increase their score. Again, FAC staff exhibited prejudice against the project in a manner that seemed an incorrect way to process a project application. Secondly, FAC staff created confusion regarding a letter of support versus a letter of authorization regarding murals on City of Fresno owned property. Our project included a letter from City Councilmember Miguel Arias for the project. During this portion of the review Mrs Chavez claimed the project had no letter authorizing the mural on public property. This was presented as a major deficit for the project. When FAC staff brought the letter from Councilmember Arias up on the screen, she did not see anything about it. I had to verbally interject to state we had a letter from the Councilmember in the application. After looking at the letter Mrs. Chavez moved the goal post by saying the letter can only come for the City Manager. While the guidelines do say that murals on public property must have written authorization, it does not state that it must come specifically from the City Manager. Historically, public art in City of Fresno property has been authorized by numerous City staff and elected officials and the City of Fresno does not have a public art policy that spells out the process for authorization. At this stage of the application we began with support from the Councilmember as the most logical support to secure. Also in the guidelines this letter seems like a compliance step prior to funding and not a scoring item in the rubric.

For the reasons above, we feel our project review process should be audited by unbiased parties. Related to our fiscally sponsored projects, because of the high level of bias and prejudice against our project, we believe our fiscally sponsored projects may have received similar treatment and their review and scoring should be audited by an unbiased third party. Additionally, the Deep Roots Storytelling and Advocacy Series was reviewed as part of the Established Organization Projects and My Neighbor’s Neighbor was reviewed with the Emerging Organization Projects. We believe that both these projects should be in the Establish Organization Project category.

Lastly, because these comments were made verbally by Fresno Arts Council staff, they may not be recorded in the notes. So I feel it is critical for the review of this appeal to include the audio recordings of the review. Because only one reviewer was present at the review, any correspondence with reviews about these projects should also be included in the appeal.

With gratitude,



Kiel Lopez-Schmidt
Executive Director
South Tower Community Land Trust

Cc: Parks Recreation and Arts Commission
Councilmember Miguel Arias





Kiel Lopez-Schmidt [REDACTED]

EAAC Project Review - Inflated Budget Comments

Kiel Lopez-Schmidt [REDACTED]

Mon, Aug 11, 2025 at 8:00 AM

To: Lilia Gonzales Chavez [REDACTED]

Lilia,

It has been very illuminating attending a few The EAAC/Measure P review sessions. I appreciate the public transparency as the EAAC process evolves. I hope to make some comprehensive comments to the Commission. However, statements that you made about the Broadway Parque Mural and Activation project proposed by my organization warranted an immediate response.

With only one reviewer at the meeting, I did not hear all reviewer comments. I only heard the one present and one comment your staff read out loud. Both reviewer statements made positive comments about our application in general and specifically positive comments about our budget. The reviewer present even said after reviewing several other budgets and getting a better feel that our budget was very good in comparison and she wanted to raise her score on the budget section up from a 4 to a 5.

During the reviewer's statements during the overall section when she remarked she wanted to raise our budget score, you interrupted her and said that our budget was "actually very inflated" and you would get to that in the budget section review.

This surprised me. As you know, we just completed 4 murals. The 3 at San Pablo Park administered by Fresno Art Council and funded through CalTrans, and 1 at 541 @ South Tower funded in the first round of EAAC. The San Pablo Park mural budget was \$64.07/sf and the 541 @ South Tower mural was \$67/sf. In our budget justification I cited these projects as giving us recent insight into mural projects of this scale.

When review of the budget section came, you spoke confidently about how our budget was inflated and cited a standard of \$65/square foot as a good fair cost of a mural. This number appears nowhere in the grant guidelines. This appeared to be an attempt to have the reviewer reconsider their statement about increasing our budget score. Your statements did appear to hamper the confidence of the review and I'm not sure if her final score on our budget was recorded as a 4 or a 5.

You calculated some math out loud including commentary about how the project is actually quite small. This is when I was sure you were mistaken. I believe you only calculated one of our proposed 150 feet x 8 feet murals. There are two 150 feet long walls at the newly opened Broadway Parque. Our application clearly includes in multiple prompts that this project would include two 150 ft x 8 ft walls as well as public process activation activities. Now if you take the actual proposed square footage of our project, the budget seems much more thrifty and no accusation of being inflated should stand.

2 x 150 feet x 8 feet = 2,400 square feet

I believe our project request was \$113,000, but Submittable doesn't allow me to download the budget document at this time.

\$113,000 / 2,400 sf = \$47.08/sf

I thought this was a very reasonable budget and kept it low knowing the wall would require limited scaffolding rather than lift equipment and that some of our other sources could supplement and cover items that EAAC can't. At the \$65/sf rate, our project budget would be \$156,000. I thought what we proposed was more reasonable. But evidently your personal review did not share that understanding.

The math you shared on Friday was clearly an error. With so many projects to review, I understand mistakes can be made. What I would like to know at this point is that if your erroneous statement affected the scoring of our project by the reviewer that was present desiring to raise our score or any communication with other reviewers outside the meeting. If your erroneous statements about our budget did affect our scores downward, I ask they be restored. I hope you put a good faith effort into communicating to the reviewers that error that you made.

I hope observing and communicating about your error does not reduce your commitment to public transparency or damage our working relationship.

Thanks,

--

Kiel Lopez-Schmidt (he/they)
Executive Director



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<https://linktr.ee/southtowerclt>





Kiel Lopez-Schmidt [REDACTED]

EAAC Grant LOI questions

3 messages

Kiel Lopez-Schmidt [REDACTED]

Wed, Mar 19, 2025 at 6:13 PM

To: [REDACTED]

EAAC Grants Team,

I was preparing our Letter of Intent to apply for an EAAC grant again and had some questions. In the LOI form it asks for: "NTEE Code(s) or other valid State or Federal Arts and Culture verification" This brings up two questions:

1. Are there certain NTEE Codes that are eligible for funding? Are only codes beginning with A eligible?
2. What are the other valid State or Federal Arts and Culture verifications that are accepted?

NTEE Codes are for the primary purpose of an organization. However it does not limit the full breadth of a non-profit's activities. For instance, South Tower CLT generally reports "L20 Housing Development, Construction, Management" however a significant portion of our activity includes public art and cultural activities.

Last question, I understand we can only submit for a project or general operations this year. But can we submit for one of those as an organization and also be the fiscal sponsor for an individual artist that will submit their own LOI?

Thanks,

--

Kiel Lopez-Schmidt (he/they)
Executive Director

[REDACTED]
[schedule a meeting](https://linktr.ee/southtowerclt)
<https://linktr.ee/southtowerclt>



EAAC Grants [REDACTED]

Wed, Mar 19, 2025 at 8:15 PM

To: Kiel Lopez-Schmidt [REDACTED]

Only Arts and Culture NTEEs will be accepted for General Operating Support. Organizations without an Arts NTEE can still apply for Project Specific Grants. Because as you suggest even if their primary work is not Arts and Culture they may still engage in some Arts and Cultural work.

With regard to alternate forms; I am not familiar of any other documents that can be used, but the commission wanted to leave that opportunity open if someone had another Government document that provided the required designation.

Yes, an organization can apply for its own grant and function as a Fiscal Agent.

[REDACTED]

She/her/ella

Executive Director

Fresno Arts Council

1245 Van Ness Avenue

Fresno CA, 93721

Ph. 559.237.9734

Enriching people's lives through the arts!

[Quoted text hidden]

Kiel Lopez-Schmidt

To: Laura Ward

Sun, Sep 7, 2025 at 7:04 PM

FYI

[Quoted text hidden]