

**OHIO ARTS COUNCIL
BOARD MEETING
JUNE 29, 2010**

CALL TO ORDER

The meeting was called to order by Acting Chair Sheila Markley Black at 1 p.m. in the Gund Conference Room at the Ohio Arts Council (OAC), Columbus. Council members in attendance were: Secretary Jeff Rich, Martha Appel Burton, Sara Jane DeHoff, Barbara Gould, Sharon Howard, Charlotte Kessler, Mary Lazarus, Charles McWeeny, Jacquelyn Nance (via phone), Barbara Robinson, Tom Schorgl and Sara Vance. Absent members: Karen Bell, Louisa Celebrezze, Representative Robert Mecklenborg, Speaker of the House Armond Budish, Senator Kevin Coughlin and Senator Teresa Fedor. Also present were: Donna Collins, executive director, Ohio Citizens for the Arts (OCA); Bill Blair, legislative counsel, OCA; Todd Nist, assistant attorney general, Attorney General's Office; Michaela Herrick, Ohio's third place winner of the state's *Poetry Out Loud (POL)* competition; Patti Herrick; Chiquita Mullins-Lee, *POL* coordinator; Sarah Overdier, OAC intern; and Tim Yanok, legislative aide, Speaker of the House Armond Budish. Staff members in attendance were: Julie Henahan, Mary Campbell-Zopf, Karine Aswad, Kathy Cain, Stephanie Dawson, Susan dePasquale, Ken Emerick, Joanne Eubanks, Dia Foley, Pat Henahan, Jeff Hooper, Dan Katona, Carolyn McClaskey, Kathy Signorino and Jim Szekacs.

CHAIRMAN'S REPORT

Acting Chair Sheila Markley Black welcomed everyone to the summer Board meeting. Ms. Black reminded the members that all Board meetings are open to the public. She added that meetings are audio taped so that citizens can request a copy to learn more about the OAC's work and the Board's deliberations. To further promote transparency in the agency's work, we post the meeting agenda to our website under the tab, "About OAC." After the meeting, we will add the minutes from the full Board meeting, as well as send a copy of those minutes to the Governor's Office.

Ms. Black stated that the main order of business is to approve grant recommendations from the spring panel meetings and ratifications that have occurred since the last Council meeting and to review the agency's subsidy budget. The Board also will hear reports from the Supplemental Funding, Policy and Planning, International, Education, Legislative/Advocacy Action and Executive Committees. Bill Blair, legislative counsel, OCA will brief us on his activities. We will also hear from Donna Collins, executive director, OCA.

Todd Nist, assistant attorney general, will present an overview of the recent Ohio Ethics Commission Advisory Opinion for the agency. Ms. Black added that Michaela Herrick, Ohio's third place winner of the state's *Poetry Out Loud* competition will be joining us at the end of the day to recite two of the poems she recited at the competition.

DIRECTOR'S REPORT

Executive Director Julie Henahan welcomed everyone to the OAC Board meeting.

Public Information Office Director

Ms. Henahan introduced Amy McKay, OAC's new Public Information Office director. Ms. McKay recently joined the agency and is going to be a great addition to the team. Ms. Henahan welcomed Ms. McKay and asked her to share a little bit about herself.

Ms. McKay stated that she was born and raised in Ohio. She received her undergraduate degree from The Ohio State University in journalism and worked for five years at the Columbus *CEO Magazine* as a writer and editor. For the past two years, Ms. McKay lived on the West coast where she attended Stanford University for her master's degree in journalism and communications. She recently worked in Seattle in the online publishing realm. Ms. McKay expressed her excitement about joining the OAC and is looking forward to working with everyone to raise the visibility of the organization and try to create a brand that will bring about more involvement and interest from Ohio citizens.

Budget Update

Ms. Henahan noted that the Office of Budget and Management (OBM) is requiring each state agency to hold back 10 percent of its FY2011 budget as a "cushion" for the end of fiscal year that can be used "to meet unforeseen challenges and that affords OBM greater flexibility in managing state resources as the economic recovery takes hold." OBM will be reviewing state agency operations throughout the year and if the improving economy holds, may allow the 10 percent set aside to be used. Ms. Henahan added that for this reason, every line item in the subsidy budget has been reduced by 10 percent. She directed the members' attention to the final budget and administrative subsidy 2010/2011 sheet and noted that the grant figures we will use for FY2011 are in the orange column. Ms. Henahan added that we will be sending an e-mail to our constituents alerting them of this change in the FY2011 budget and its impact on grant funding in the next fiscal year.

FY2012/2013 Budget Development

Ms. Henahan stated that the OAC is awaiting OBM budget guidance for preparing OAC's FY2012/2013 biennial proposal.

Strategic Plan

The OAC Board has begun its work with the principals of The Cultural+Planning Group, David Plettner-Saunders and Jerry Allen, on the development of the agency's next strategic plan. The consultants visited Columbus on May 20, 2010 and met with OAC staff and led a retreat with the Board on May 21, 2010. The consultants' retreat summary was distributed to the members.

Ms. Henahan stated that the OAC's new strategic plan will be operational in nature, and will include a detailed work plan for the next 18 to 24 months. It will lay the groundwork for a longer term strategic vision for Ohio's arts and culture that will inform the agency's future planning and programming. On June 17 and 18, 2010 the consultants returned to Ohio and met with staff, leadership in other state agencies, and legislative members.

Ms. Henahan added that the consultants' next visit is scheduled for July 15 and 16, 2010. When Mr. Plettner-Saunders and Mr. Allen return to Columbus in August they will conduct a series of meetings with stakeholder groups (large, medium and small arts and cultural organizations; local arts agencies; and folk and traditional artists and organizations). The consultants will continue to meet with or interview leadership of other state agencies to better understand their priorities and explore partnering opportunities.

National Endowment for the Arts (NEA) Partnership Agreement

Ms. Henahan informed the members that the OAC received an increase in its award from the NEA for FY2011; the award is \$1,141,600, an increase of \$118,000 from last year. We received the largest award in the country, after California. Ohio continues to lead in the competitive portions of the NEA grant application. The bulk of the increase was associated with the underserved activities described in our grant. Ms. Henahan explained that a portion of the partnership grant is based on the state's population, the rest of the award is based on a competitive review.

Cost Savings Days

Ms. Henahan reminded the members that the OAC staff will be taking 10 mandatory cost savings days during the next fiscal year as part of the negotiated agreement between the State of Ohio and the Ohio Civil Service Employee Association.

Move to the Rhodes State Office Tower

Ms. Henahan reported that the OAC is leaving its residence of the last 28 years. This is being done to achieve additional cost-savings in our budget as we continue to manage the changing financial landscape in the state.

The Board has been kept abreast over the last several months the process of our search--the extensive searching and comparing and contrasting of available commercial and state-owned property over the winter and early spring. Throughout April we continued to look at other options including space at The Ohio State University and the Vern Riffe Center for Government and the Arts. Leads to other commercial space that had been suggested were also pursued but none of them could approach the approximate \$9,000 per year at the Rhodes State Office Tower.

On May 21 at its retreat, the OAC Board ratified the recommended move of the OAC's offices to the 33rd floor of the Rhodes State Office Tower, 30 East Broad Street, Columbus.

Ms. Henahan stated that we have begun working with the space planners at the Department of Administrative Services (DAS) and they have given us their first ideas. There are a couple tweaks that need to be made and then they can move forward with the build out.

Ms. Henahan stated that although this is a significant change for the agency both in the type of building and what has been seen as the OAC's "icon", but it is a necessary change if we are to see the agency move forward in this changing environment for state agencies.

In preparation for the move, staff will be spending time this summer cleaning out, throwing out and sending items we will not take with us to state salvage. Once we are settled we will have an open house to introduce our new home to our constituents.

Former OAC Chair Susan Saxbe

Ms. Henahan shared that former OAC Chair Susan Saxbe sends her best to the Board and added that Ms. Saxbe has been doing well and is feeling much better.

National Assembly of State Arts Agencies (NASAA)

Ms. Henahan stated that NASAA has finished updating their website and recommended that the Board members visit it. She highlighted a section entitled, "My NASAA," which includes useful resources and networking tools. She added that NASAA's assembly will be taking place on October 14-16, 2010 in Austin, Texas and encouraged the members to attend.

APPROVAL OF MINUTES

MOTION by Jeff Rich, seconded by Mary Lazarus, to accept the minutes of the OAC Board, Supplemental Funding (as amended), Policy and Planning, Outreach and Underserved Audiences, Nominating, Education, Legislative/Advocacy Action and Executive Committee meetings held on March 31, 2010.

SUPPLEMENTAL FUNDING MEETING MINUTES - AMENDMENT

Ms. Nance stated that an amendment, like the one in Minnesota, is going to take time and in the current climate, could be an uphill battle; however, an amendment would be perfect for long-range planning. Minnesota was able to join statewide natural resource efforts like the ~~Spring Wing~~ **CHAGRIN RIVER LAND** Conservancy. ~~Spring Wing~~ **CHAGRIN RIVER LAND** Conservancy has great lobbyists and donors that would certainly support a statewide ballot issue like the Minnesota legacy amendment.

Motion carried without dissent.

MOTION by Jeff Rich, seconded by Sharon Howard, to accept the minutes of the OAC Supplemental Funding Committee meeting held on April 14, 2010. **Motion carried without dissent.**

MOTION by Jeff Rich, seconded by Sara Vance, to accept the minutes of the OAC Panel Selection Committee meeting held on April 20, 2010. **Motion carried without dissent.**

COMMITTEE REPORTS

Supplemental Funding Committee

Committee Acting Chair Tom Schorgl stated that the committee reviewed the case statement and PowerPoint presentation prepared by the OAC staff per request of the Ohio Historical Society (OHS). Ms. Henahan recognized the staff for their effort to prepare the statement and Ms. Campbell-Zopf for spearheading that effort.

Board member Jacquelyn Nance reiterated that this is a well-written statement and thanked the staff for their efforts. She suggested that the staff include information about our recent NEA grant award in those materials.

MOTION by Martha Burton, seconded by Jeff Rich, to approve the Supplemental Funding Committee report. **Motion carried without dissent.**

Policy and Planning Committee

Committee Chair Charlotte Kessler stated that the committee was updated on the OAC's strategic planning process and Board retreat summary. She asked Dan Katona, research and program development director, to brief the Board members on the strategic planning citizen survey.

Mr. Katona shared that the OAC staff and the consultants are working with Wakeling, Inc., a research firm, to create an online citizen survey about the arts, culture and entertainment. To reduce costs associated with the survey, the research firm used an approach that builds on existing electronic lists and invites new organizational partners (many who are not affiliated with the arts) to assist in the promotion of the survey. The goal is to gather a wide range of public opinion. Mr. Katona informed members that the survey has been sent to approximately 7,000 individuals and organizations on the agency's electronic lists including Riffe Gallery attendees, and other agency partners. We have encouraged those contacts to promote the survey to their own electronic lists and on their websites. We have also shared it with our 2,000 friends on Facebook and encouraged them to promote the survey with their friends. The agency is exploring the idea of advertising on Facebook, which is a first for the agency. Deputy Director Mary Campbell-Zopf added that there were 76 agencies, that have been asked to participate in this effort, (e.g., Ohio Chamber of Commerce, Ohio Department of Aging, Ohio Department Natural Resources, etc.).

Ms. Kessler stated that the committee also reviewed and approved the changes to the Building Cultural Diversity program guidelines.

Listed below are highlights of the policy changes for the Building Cultural Diversity program:

- Change in eligibility requirements: Organizations that receive Sustainability or Arts Access support are ineligible for funding through the Building Cultural Diversity program.

- Change in grant award amounts: Applicants may request grants of up to \$3,000 (the old maximum was \$5,000) in order to match requests more closely with actual award amounts and make potential awards more comparable to funding from the Arts Access program.

MOTION by Sara Vance, seconded by Mary Lazarus, to approve the Policy and Planning Committee report. **Motion carried without dissent.**

International Committee

Committee Chair Jeff Rich stated that committee met to review and approve international activities that the board of the Ohio Arts Foundation (OAF) is considering for funding. The OAF is a private nonprofit foundation formed to advance education in performing, visual, literary and dramatic arts; to advance knowledge and appreciation of the arts by giving support to performances and exhibitions; and to provide financial assistance to the charitable, literary and educational activities of the State of Ohio, in particular, the OAC. The OAF was founded in 1994 after the OAC suffered a significant budget cut of almost 24 percent in 1992-93. Since its inception the OAF has received funds from the Wallace Foundation, the Kettering Foundation, Phillip Morris/Altria, Arts Midwest, Cinergy Foundation, Columbus Foundation, Cleveland Foundation, Duke Foundation, The George Gund Foundation, Jewish Federation and many private individuals to support its activities. Mr. Rich stated that the OAF is currently governed by a four-member board (Robert Lazarus, Sharon Cameron, Randy Arndt and Kristi Davies); its executive director is Jennifer McNally.

Mr. Rich added that the committee members reviewed the descriptions of the five projects that were submitted to the OAF. OAF asked the OAC Board to offer an opinion on whether these activities merit funding. Mr. Rich stated that the committee recommended that, in the future, OAF should require a more formal request for a grant which includes a budget proposal and summary of what is to be accomplished. If the project does receive funding, the committee suggested that OAF require a final report which includes receipts and a summary including evaluation of what has been achieved.

Mr. Rich stated that the OAC International Committee members carefully reviewed the descriptions and recommended the first three of the five projects. The last two the committee did not recommend for funding. Mr. Rich then summarized each project.

1. Mission to Chile/Wayne Lawson, former OAC Director—June 10-21, 2010

The objectives of this trip include bringing to closure a number of projects with Chilean partners that began a number of years ago. Among them are Coanil/Patty Mitchell of Passion Works—this should be her last trip this August; and Bodegon in Los Vilos, Tim Frederick's trip this September. Both have been tremendously successful and were initially supported by former First Lady of Ohio Hope Taft. In addition, Dr. Lawson will be completing final arrangements with U.S. Embassy officials who funded the U.S. segment of the Bicentennial Exhibition at the Museo de Bellas Artes produced under the auspices of the OAC. Nannette Maciejunes, executive director, Columbus Museum of

Art, and Jim Keny, co-owner, Keny Galleries, have been engaged to serve as curators of this show which will open in September. The embassy has funded the exhibition through a grant to the OAC in the amount of \$78,000. In addition Dr. Lawson will be meeting with the First Lady of Chile, the new Minister of Culture, the Rector of Catholic University, executive director of the Consejo de Monumentos Nacionales, the director of La Moneda and a few others to explain the cuts to the OAC.

Cost: \$2,000.00 (includes airfare and two nights' hotel)

The committee recommended that this project be approved and funded by OAF. The committee also suggested that OAF ask for a final report once the project is complete.

2. Patty Mitchell/Coanil Residency, August 2010

This trip was planned last year and has been reduced from six to three weeks. Coanil/Passion Works has been tremendously successful and has received both regional and national attention for the OAC. Ms. Mitchell will conduct workshops with the center in Santiago and other cities in Chile. Coanil is a private, nonprofit foundation where children, youth and adults with developmental disabilities from throughout Chile are educated.

Cost: \$4,200.00 for artist's fee and airfare.

The committee recommended that this project be approved and funded by OAF. The committee also suggested that OAF ask for a final report once the project is complete.

3. Tim Frederich, Bodegon Cultural Los Vilos Residency, September 2010

Ceramic specialist Tim Frederich of Dublin, will travel to Los Vilos, Chile to assist with mold-making process and formulation of glazes for their ceramic workshop. A translator and housing will be provided in Chile. This relationship with Los Vilos supports the work of ceramic artists in Ohio (including the Ohio Craft Museum) and promotes the ceramic talent in our state.

Cost: \$2,000.00

The committee recommended that this project be approved and funded by OAF. The committee also suggested that OAF ask for a final report once the project is complete.

4. Visit by Oscar Acuna, Executive Director, Consejo de Monumentos Nacionales, August or September 2010

Senor Acuna will make site visits to cultural and historic preservation organizations in Cleveland, Columbus and Cincinnati to observe first-hand how these Ohio institutions function and to meet with the leadership of these institutions as well. This project promotes a great partnership with other state agencies, the OAC and Chilean partners.

Cost: \$1,000.00

The committee did not recommend that this project be approved and funded by OAF.

5. Sustainable/Free Trade Market Research—July/August 2010

Connie De Jong of Global Galleries, a local Fair Trade organization, will travel to Chile to research the sustainable and free trade goods market and report back for further work with galleries in Ohio. Several galleries are very supportive of this research and the possibility for exhibitions in the future. Ms. De Jong is bilingual in English and Spanish and well-known in the Free Trade organizations in South America. Ohio is well-known in Chile and this would further the opportunities for our galleries to be known there.

Cost: \$2,000.00

The committee did not recommend that this project be approved and funded by OAF.

Board member Charles McWeeny stated that it is appropriate for the International Committee to look at these specific grants but these are policy issues that the Policy and Planning Committee needs to look at as well. The Policy and Planning Committee should review the relationship between the OAC and OAF and how that relationship was developed; what should the criteria be; and should the OAC Board look at these in the future.

MOTION by Martha Burton, seconded by Sara Vance, to approve the International Committee report and the recommendation to the Ohio Arts Foundation, Inc.

Board member Barbara Robinson stated that she would like to clarify that this in no way impedes or accelerates the action of OAF. This is just an advisory review to determine whether they should go ahead with these projects. The OAF board of trustees is responsible for their funds.

Mr. Schorgl offered an amendment to the motion by stating that our recommendation is not material to whether or not they proceed with these projects. Mr. Schorgl stated that he is not sure what sort of authority a state arts agency has when it comes to recommending to a foundation whether or not to proceed with programs that are not our fiduciary responsibility. Our advice does not in any way have any material effect on whether they do it or not.

MOTION by Tom Schorgl, seconded by Martha Burton, to approve the International Committee report and recommendation to the Ohio Arts Foundation, Inc. which does not in any way have any material effects on whether or not they proceed with these projects.

Board member Sara Jane DeHoff stated that OAF is not looking for us to authorize the projects. They asked for a recommendation and that is what we are giving them. Ms.

Nance stated that the OAF will not be bound by any advice or recommendations that we would provide; their board is responsible for any decisions that they make on projects that they choose to fund. They would be the only ones liable or bound by those decisions. Ms. Nance added that there needs to be a clear understanding that we are providing our recommendation, but we understand that our recommendation does not have to be followed, and that, ultimately, they make the final decision.

Amendment carried without dissent.

Education Committee

Committee Chair Sharon Howard stated that the members were updated on Arts Learning activities: *Poetry Out Loud*, Arts Education Survey, Imagination Conversations, Arts Learning Program evaluation, and the NEA Education Leaders Institute occurring at the end of July.

Ms. Howard reported that Craig Dreeszen has been hired to conduct the Arts Learning Program Evaluation. As part of the evaluation process the committee discussed, in detail, the following questions.

1. Does the OAC want to be a stronger influence in K-12 public education plans and policy?
2. Should the OAC develop and/or expand strategic initiatives or place a greater emphasis on competitive grants that respond to constituent interests?

Ms. Howard stated that the committee discussed the questions and came to the agreement that arts education is a key component to who the OAC is and will be.

MOTION by Martha Burton, seconded by Charlotte Kessler, to approve the Education Committee report. **Motion carried without dissent.**

Legislative/Advocacy Action Committee

Ms. Kessler stated that the committee reviewed the case statement and PowerPoint presentation prepared by the OAC staff per request of the OHS. Donna Collins, executive director, OCA updated on their recent activities and their efforts to expand memberships. One of their initiatives is to add value to their membership by creating a health insurance program that will provide less expensive insurance for arts organizations. Mr. Rich explained that if an organization is a member of OCA it will have the option of obtaining a discounted health insurance policy for its employees.

MOTION by Tom Schorgl, seconded by Jeff Rich, to approve the Legislative/Advocacy Committee report. **Motion carried without dissent.**

Executive Committee

Ms. Black stated that the Executive Committee heard an update about the budget, the NEA grant award that the OAC received, and the priority work through September 2010. The committee also reviewed the response from the Ohio Ethics Commission (OEC)

regarding the letter the OAC sent requesting an advisory opinion on whether the Ethics Law and related statutes prohibit an organization from applying for or receiving grant funds awarded by the OAC if an officer, board member, or employee of the organization serves as an OAC Board member. Todd Nist, assistant attorney general, Attorney General's Office, will present a more detailed explanation of the advisory later this afternoon. Ms. Black added that through this process the OAC has realized that our conflict of interest policy is antiquated and needs to be updated. Once the conflict policy is updated we will be changing the way the Board approves grants in the future.

MOTION by Jeff Rich, seconded by Mary Lazarus, to approve the Executive Committee report. **Motion carried without dissent.**

OHIO CITIZENS FOR THE ARTS REPORT

Bill Blair, legislative counsel, OCA, stated that it is important for the agency to continue looking for supplemental funding as there is an eight billion dollar gap in the next biennial budget. With this deficit, the legislature will be examining every state agency's work and value to citizens as they try to address the state's budget crisis. The most important thing we can do is advocate and teach our constituents and the citizens of Ohio to advocate on our behalf. We need to educate our citizens about the benefits of the arts. This is a great year for us to be out there talking to as many people as we can as it is an election year. Mr. Blair added that it is critical for every member in the legislature and the governor to get a renewed sense of the importance of the arts. They are most vulnerable and available from now until Election Day. This is the time when they want to hear from us and our constituency. Mr. Blair stated that OCA is doing everything to spread the message throughout Ohio and encouraged the OAC Board members to continue with their efforts.

Ms. Collins thanked the Arts Day Committee; OAC staff and Board members; Janelle Hallet, member service coordinator, OCA; and Stephanie Dawson, legislative affairs assistant, OAC Public Information Office; for their great job in planning and hosting of Arts Day and the Governor's Awards for the Arts 2010. We had another successful event filled with advocacy, celebration and education. Ms. Collins was, unfortunately, unable to attend the event for family reasons.

Ms. Collins informed the members that she will keep them updated on the developments regarding the additional benefit of membership through a potential health insurance program for arts organizations who are OCA members. Currently, there is a survey in the field asking the arts organizations if they would like to consider such an opportunity.

Ms. Collins stated that OCA's Task Force on Funding Options for Arts and Culture has met twice; May 5 and June 9, 2010. The task force is chaired by Marc Folk, executive director, Arts Commission of Greater Toledo. Members of the OAC Supplemental Funding Committee have also met with OCA's Task Force to share ideas and discuss alternate sources of funding.

The OCA membership committee has been working to develop new strategies for increasing membership and has exceeded its original goal of 1,000 college students during the course of this fiscal year. Ms. Collins added that OCA is working with its board members who will host candidate forums in late summer and early fall. OCA continues to seek opportunities to make presentations about arts advocacy strategies and appreciates every opportunity they have to work with cultural, community and other interested organizations. Ms. Hallet created a PowerPoint presentation for use by the board that introduces OCA and its work. The presentation is also available to any interested OAC Board members.

Ms. Collins stated that she returned from the Americans for the Arts (AFTA) conference in Baltimore, Maryland, where more than 1,000 arts folks gathered to celebrate the 50th anniversary of the organization and AFTA President and CEO Bob Lynch's 25th anniversary with the organization. As chair of the State Arts Action Network, Ms. Collins led meetings of the citizen groups from around the country. She added that Mr. Rich, president, OCA, worked with Maryland Citizens for the Arts board chair to put together a meeting of citizen group board peers to begin discussion of future priorities. All citizens groups are facing the same issues such as growing memberships, working strategically with likely and unlikely partners and navigating the ever changing world of technology.

Ms. Collins informed the members that OCA's next board meeting is scheduled for Wednesday, September 22, 2010 and encouraged them to attend if available.

Mr. Rich thanked and commended Ms. Collins for her hard work and thanked Ms. Hallet for ably carrying out the Governor's Awards and Arts Day events during Ms. Collins unexpected absence.

GRANT RECOMMENDATIONS

Dia Foley, director, Grants Office, reported that 42 applications were recommended for funding in the Sustainability (over \$1.5 million) program.

MOTION by Martha Burton, seconded by Jeff Rich, that we, the Ohio Arts Council Board, approve the Sustainability (over \$1.5 million) panel and staff recommendations and authorize the Executive Director, Julie. S. Henahan, to make such adjustments and alterations as are found necessary to accomplish the approved grants because of funding limitations or unforeseen factors directly effecting the subject of the grants, such adjustments and alterations not to constitute any change in the purpose of the grant nor the maximum amount that Council has granted. Further, be it resolved, that in cases of hardship or difficulty, where completion of the artistic endeavor is otherwise impossible, an advance partial payment of not more than fifty percent (50%) of the total grant may be awarded upon such terms as the Council may deem proper. **Motion carried with four abstentions** (Sara Jane DeHoff, Barbara Gould, Tom Schorgl and Sara Vance). Mr. Schorgl left the room before discussion began.

Mr. Katona reported that 246 applications were recommended for funding in the Sustainability (under \$1.5 million) program.

MOTION by Jeff Rich, seconded by Sharon Howard, that we, the Ohio Arts Council Board, approve the Sustainability (under \$1.5 million) panel and staff recommendations and authorize the Executive Director, Julie S. Henahan, to make such adjustments and alterations as are found necessary to accomplish the approved grants because of funding limitations or unforeseen factors directly effecting the subject of the grants, such adjustments and alterations not to constitute any change in the purpose of the grant nor the maximum amount that Council has granted. Further, be it resolved, that in cases of hardship or difficulty, where completion of the artistic endeavor is otherwise impossible, an advance partial payment of not more than fifty percent (50%) of the total grant may be awarded upon such terms as the Council may deem proper. **Motion carried with three abstentions** (Mary Lazarus, Charles McWeeny and Sara Vance).

Mr. Katona reported that 40 applications were recommended for funding in the Arts Access: Operating Support program.

MOTION by Martha Burton, seconded by Sara Jane DeHoff, that we, the Ohio Arts Council Board, approve the Arts Access: Operating Support panel and staff recommendations and authorize the Executive Director, Julie S. Henahan, to make such adjustments and alterations as are found necessary to accomplish the approved grants because of funding limitations or unforeseen factors directly effecting the subject of the grants, such adjustments and alterations not to constitute any change in the purpose of the grant nor the maximum amount that Council has granted. Further, be it resolved, that in cases of hardship or difficulty, where completion of the artistic endeavor is otherwise impossible, an advance partial payment of not more than fifty percent (50%) of the total grant may be awarded upon such terms as the Council may deem proper. **Motion carried with one abstention** (Charles McWeeny).

Mr. Katona reported that 82 applications were recommended for funding in the Arts Access: Project Support program.

MOTION by Sara Vance, seconded by Sharon Howard, that we, the Ohio Arts Council Board, approve the Arts Access: Project Support panel and staff recommendations and authorize the Executive Director, Julie S. Henahan, to make such adjustments and alterations as are found necessary to accomplish the approved grants because of funding limitations or unforeseen factors directly effecting the subject of the grants, such adjustments and alterations not to constitute any change in the purpose of the grant nor the maximum amount that Council has granted. Further, be it resolved, that in cases of hardship or difficulty, where completion of the artistic endeavor is otherwise impossible, an advance partial payment of not more than fifty percent (50%) of the total grant may be awarded upon such terms as the Council may deem proper. **Motion carried without dissent.**

Joanne Eubanks, program coordinator, Arts Learning Office, reported that 34 applications were recommended for funding in the Arts Learning: Artist in Residence program.

MOTION by Mary Lazarus, seconded by Sara Vance, that we, the Ohio Arts Council Board, approve the Arts Learning: Artist in Residence panel and staff recommendations and authorize the Executive Director, Julie S. Henahan, to make such adjustments and alterations as are found necessary to accomplish the approved grants because of funding limitations or unforeseen factors directly effecting the subject of the grants, such adjustments and alterations not to constitute any change in the purpose of the grant nor the maximum amount that Council has granted. Further, be it resolved, that in cases of hardship or difficulty, where completion of the artistic endeavor is otherwise impossible, an advance partial payment of not more than fifty percent (50%) of the total grant may be awarded upon such terms as the Council may deem proper. **Motion carried with two abstentions** (Jeff Rich and Tom Schorgl). Mr. Schorgl left the room before discussion began.

Jeff Hooper, director, Arts Learning Office, reported that 26 applications were recommended for funding in the Arts Learning: Arts Partnership program.

MOTION by Sharon Howard, seconded by Charlotte Kessler, that we, the Ohio Arts Council Board, approve the Arts Learning: Arts Partnership panel and staff recommendations and authorize the Executive Director, Julie S. Henahan, to make such adjustments and alterations as are found necessary to accomplish the approved grants because of funding limitations or unforeseen factors directly effecting the subject of the grants, such adjustments and alterations not to constitute any change in the purpose of the grant nor the maximum amount that Council has granted. Further, be it resolved, that in cases of hardship or difficulty, where completion of the artistic endeavor is otherwise impossible, an advance partial payment of not more than fifty percent (50%) of the total grant may be awarded upon such terms as the Council may deem proper. **Motion carried with one abstention** (Tom Schorgl). Mr. Schorgl left the room before discussion began.

Kathy Signorino, program coordinator, Office of Individual Artist Grants and Services, reported that seven applications were recommended for funding in the Individual Artists: Traditional Arts Apprenticeships program.

MOTION by Jeff Rich, seconded by Sara Vance, that we, the Ohio Arts Council Board, approve the Individual Artists: Traditional Arts Apprenticeships panel and staff recommendations and authorize the Executive Director, Julie S. Henahan, to make such adjustments and alterations as are found necessary to accomplish the approved grants because of funding limitations or unforeseen factors directly effecting the subject of the grants, such adjustments and alterations not to constitute any change in the purpose of the grant nor the maximum amount that Council has granted. Further, be it resolved, that in cases of hardship or difficulty, where completion of the artistic endeavor is otherwise impossible, an advance partial payment of not more than fifty percent (50%) of the total

grant may be awarded upon such terms as the Council may deem proper. **Motion carried with one abstention** (Tom Schorgl). Mr. Schorgl left the room before discussion began.

Susan dePasquale, program coordinator, Office of Grants Programs and Services, reported that 55 applications were recommended for funding in the Project Support program.

MOTION by Jeff Rich, seconded by Sara Vance, that we, the Ohio Arts Council Board, approve the Project Support panel and staff recommendations and authorize the Executive Director, Julie S. Henahan, to make such adjustments and alterations as are found necessary to accomplish the approved grants because of funding limitations or unforeseen factors directly effecting the subject of the grants, such adjustments and alterations not to constitute any change in the purpose of the grant nor the maximum amount that Council has granted. Further, be it resolved, that in cases of hardship or difficulty, where completion of the artistic endeavor is otherwise impossible, an advance partial payment of not more than fifty percent (50%) of the total grant may be awarded upon such terms as the Council may deem proper. **Motion carried with one abstention** (Tom Schorgl). Mr. Schorgl left the room before discussion began.

RATIFICATIONS

MOTION by Sharon Howard, seconded by Tom Schorgl, to ratify grants awarded in Special-Organizations FY2009, FY2010 and FY2011; Arts Access FY2010; and Artists with Disabilities Access FY2010. **Motion carried without dissent.**

Mr. Hooper reported that five individuals were nominated for an Ohio Heritage Fellowship. The review panel recommended that Rick Good of Dayton, a traditional banjo musician and co-artistic director of Rhythm and Shoes, receive the FY2010 Ohio Heritage Fellowship award.

MOTION by Tom Schorgl, Jeff Rich, to ratify the FY2010 Ohio Heritage Fellowship award. **Motion carried without dissent.**

ITEMS OF GENERAL INTEREST

Ms. Henahan directed the Board's attention to the items of general interest found in the Council Book.

PRESENTATION

Ohio Ethics Commission Advisory Opinion

On December 3, 2009, the OAC sent the Ohio Ethics Commission (OEC) a letter requesting an advisory opinion regarding whether the Ethics Law and related statutes prohibit an organization from applying for or receiving grant funds awarded by the OAC if an officer, board member, or employee of the organization serves as a Board member. Mr. Nist summarized OEC's response and stated that there are two provisions and one statute that are at issue. The first statute prohibits a public official from having any interest in a profit or benefits of a public contract. Essentially, a public official should

not have any interest in a public contract unless it's the best or only alternative available. Mr. Nist stated that the Board members should keep the following in mind: 1) Board members must meet the definition of a public office; 2) all the grants that the OAC awards would qualify as a public contract. If a member has an interest in the public contract and that interest is unlawful then they must step back.

Mr. Nist added that the basic discussion involves members of the Board who are also affiliated with other outside organizations that might receive grant money from the Board; either sitting on a Board of another organization; being an employee; or an officer of that organization. This could be a nonprofit organization, a state university, school or other entity that receives a grant from the OAC. Mr. Nist stated that the answer to whether a Board member has an interest is, yes. If one sits on a Board of an organization or is employed by an organization that receives a grant from the OAC then, yes, they do have an interest. If a member of the OAC Board serves, in any capacity, at another organization that is funded by the OAC then they have an interest in the money that their organization is receiving. If an OAC Board member's position at an organization funded by the OAC is funded by the grant, is in any way tied to the grant, or in any way dependent on it, or if that organization would not exist without the OAC grant, then there is going to be an interest in the contract. Mr. Nist stated that 95 percent of the time, an OAC Board member that serves at another organization is going to have an interest; but, the real question is whether that interest is unlawful.

Mr. Nist stated that there is an exception to the statute, which is the bulk of the discussion in the advisory opinion, which a member would have to meet four circumstances to not have an unlawful interest. The first (1) is that the public contract or grant is for a necessary service. The second (2) is that the service that an artist or organization is receiving is unattainable elsewhere for the same or lower costs. The third (3) is that the organization treats the OAC equally. The fourth (4) is called an arm's-length transaction. Mr. Nist stated that 1, 3 and 4 are met by the procedures that the OAC follows, or they are not applicable in this situation. The question is whether the service that an artist or organization receives is unobtainable elsewhere for the same or lower cost. Mr. Nist stated that we need to make sure that the grant process that the OAC is going through is going to meet the requirements of the Ethics Commission. There has been a meeting scheduled for next week for the OAC to meet with OEC to go over the OAC's grant process and make sure that everything fits their requirements. He added that if the OAC has to fundamentally alter the way we award grants then it might mean that an OAC Board member's organization might not be able to accept the grant money or would not be eligible to apply.

Mr. Nist stated that after the meeting with OEC he will prepare a memo explaining a few things and will send it to the Board members. Ms. Campbell-Zopf added that OEC stated that they will issue an addendum letter to the opinion clarifying some points after we meet with them. Ms. Campbell-Zopf added that the OEC highly commended the OAC for the objectivity of our grant making process.

Approved: September 30, 2010

Ms. Black welcomed Michaela Herrick, Ohio's third place winner of the state's *POL* competition to the meeting. Ms. Herrick recited a couple of poems that she presented at the national finals (*Theme for English B* by Langston Hughes and *i carry your heart with me (i carry it in)* by e.e. cummings).

NEW BUSINESS

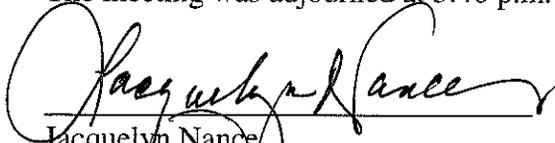
Priority Setting Exercise – OAC Strategic Plan

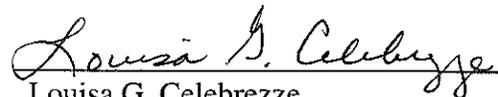
Ms. Campbell-Zopf distributed and explained the priority setting exercise to the Board members. The purpose of the exercise is to establish a collective sense of priority for current and potential future functions of the agency, and to elicit the member's thinking about several key issues. Both the Board and the staff will be completing the exercise.

ADJOURNMENT

MOTION by Sara Jane DeHoff, seconded by Charles McWeeny, to adjourn the Ohio Arts Council Board meeting. **Motion carried without dissent.**

The meeting was adjourned at 3:40 p.m.


Jacquelyn Nance
OAC Board Chair


Louisa G. Celebrezze
OAC Board Vice-Chair