

**OHIO ARTS COUNCIL
BOARD MEETING
APRIL 8, 2013**

The meeting was called to order by board Chair Jeff Rich at 12:50 p.m. at the Ohio Arts Council office on the 33rd floor of the Rhodes State Office Tower in Columbus. Council members in attendance were: Vice-Chair Ginger Warner, Karen Bell; Louisa Celebrezze; Sara Jane DeHoff; Sharon Howard; Monica Kridler; Sara Vance Waddell; Legislative Aide Damien Hardy for Senator Eric Kearney; and Legislative Aide Goran Babic for Senator Gayle Manning. Absent members were: Chair Emeritus Barbara Robinson, Representative Armond Budish, Representative Peter Stautberg, Senator Gayle Manning, and Senator Eric Kearney. Also present was: Angela Sullivan, assistant attorney general. OAC staff members in attendance were: Julie Henahan, Mary Campbell-Zopf, Karine Aswad, Ken Emerick, Dia Foley, Dan Katona, Chiquita Mullins Lee, Kathy Signorino and Elizabeth Weinstein.

Board Chair Jeff Rich welcomed everyone to the spring council meeting. He reminded the members that all board meetings are open to the public and that this meeting is audio streamed via the Web. Staff will be listening in to ensure all members can be heard. All board meetings are audio recorded for documentation purposes and as such are part of the public record. He asked members to speak clearly and not rush the making of motions. 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 add the minutes from the full board meeting.

APPROVAL OF MINUTES

MOTION by Sara Jane DeHoff, seconded by Karen Bell, to accept the minutes of the Ohio Arts Council Board, Finance, Policy and Planning, and Executive Committee meetings held on September 27, 2012. **Motion carried without dissent.**

MOTION by Sara Vance Waddell, seconded by Sharon Howard, to accept the minutes of the OAC Awards Committee meeting held on November 7, 2012. **Motion carried without dissent.**

MOTION by Sara Vance Waddell, seconded by Sharon Howard, to accept the minutes of the OAC Board meeting held on January 10, 2013. **Motion carried with out dissent. One abstention (Karen Bell).**

BOARD MEETING MINUTES – AMENDMENT

Council members in attendance were: **VICE-CHAIR GINGER WARNER**, Louisa Celebrezze; Sara Jane DeHoff; Sharon Howard; Monica Kridler; Sara Vance Waddell; Representative Peter Stautberg; and Leo Almeida, Senator Eric Kearney's legislative aide.

MOTION by Sharon Howard, seconded by Sara Vance Waddell, to accept the minutes of the OAC Board meeting held on January 10, 2013 as amended. **Motion carried with out dissent. One abstention (Karen Bell).**

CHAIRMAN'S REPORT

Mr. Rich stated that the main order of business is to approve the recommendations for the Individual Excellence Awards and ratify grant awards that have occurred since our last board meeting. The board will also have a presentation on the preparation of the agency's biennial

budget; the revision of the agency's Administrative Code through the Joint Committee on Agency Rule Review, and the grant ratification process. We'll also hear reports from the following committees: Finance, Programs and Public Policy, and Executive. OCA's Executive Director Donna Collins is not able to join us today and has submitted a report on her activities.

In preparation for the June 2013 board meeting, Karine Aswad, executive/special project assistant, asked the board members to review the conflict of interest forms and make any necessary corrections or additions to their list of potential conflicts.

DIRECTOR'S REPORT

Executive Director Julie Henahan welcomed everyone to the board meeting, and presented her report.

Staff News

Ms. Henahan welcomed Dia Foley, Grants Office director, back from medical leave. She added that Jim Szekacs, formerly one of two the agency's grants coordinators, has been promoted to the position of program coordinator for the western region of Ohio. Mr. Szekacs fills the position vacated by Pat Henahan's retirement, who left the OAC in November after 25 years of service. Review of the job applications for the grants coordinator position and subsequent interviews will begin shortly.

Legislative Visits

Ms. Henahan shared that she has been meeting with legislators since early February and occasionally has been joined by OAC Board Chair Jeff Rich, Ohio Citizens for the Arts' (OCA) Legislative Counsel Bill Blair and OCA Executive Director Donna Collins. The meetings have gone extremely well and the members have been very receptive and supportive of the OAC. By the end of March, nearly 30 legislators, who are members of the House Subcommittee on Higher Education, the House Finance committee and the Senate Subcommittee on Education, will have been visited.

Ms. Henahan also reported that she testified before the House Subcommittee on Higher Education on Thursday, February 21, 2013 and was pleased with the legislators' reception to the OAC testimony and their questions. The members were interested in the agency's support of the arts and cultural sector, especially through our education programs and other programs that support economic and community development projects. Legislative visits will continue as we wait to learn how the agency's budget fares in the House before moving to the Senate. Ms. Henahan also shared that she had spoken with Mr. Blair who said that the Substitute House Bill will come out tomorrow and he is confident that it will include an increase for the OAC. Information from the Substitute Bill will be shared with the board, once it is received by the OAC staff.

National Endowment for the Arts

On March 1, 2013, the federal government implemented across-the-board cuts to federal domestic and defense spending known as sequestration. The reductions are mandatory and will be phased in over the remainder of federal fiscal year 2013.

In a letter to state and regional directors, National Endowment for the Arts (NEA) Director for State and Regional Partnerships Laura Scanlan confirmed that overall funding for the NEA will be reduced by five percent (\$7.3 million). Sequestration requires the Obama administration to reduce spending from all federal domestic discretionary accounts equally, while also imposing cuts to defense and certain mandatory programs like Medicare. The NEA plans to implement the sequestration cuts in the following ways:

- Direct grants from the NEA to state agencies allocations will be reduced by 3.2 percent.
- Partnership Agreements funding to state arts agencies and regions will be reduced by 2.7 percent. The NEA was able to mitigate the effect of sequestration on states by applying funds that were de-obligated in the prior year.
- For the OAC this would mean a loss of approximately \$26,460 bringing our projected award for our FY2014 down to the \$950,000 range.

The NEA has confirmed that sequestration reductions will apply only to state arts agency grants awarded in the federal FY2013 funding cycle. Cuts will not be applied retroactively. State arts agencies should expect reductions to their NEA FY2013 Partnership Agreements awards, used by most states to support their FY2014 activities. Current (NEA FY2012/state FY2013) Partnership Agreements will not be affected.

Acting NEA Chair Joan Shigekawa and the National Council on the Arts approved all grants recommended for funding at the National Council's meeting on March 31, 2013. Their approval included up to \$48.4 million for NEA 2013 State and Regional Partnership Agreements that will fund state arts agencies and regional arts organizations' FY2014 activities. The amounts approved for individual Partnership Agreements were provisional and based upon a continuation of the NEA's FY2012 budget level, prior to sequester cuts being applied. They are in the process of recalculating grant amounts, taking into consideration sequestration, and expect to have this information approved and ready to release in the next couple of weeks.

Arts Midwest

Ms. Henahan informed the board that David Fraher, executive director of Arts Midwest, was unable to join us today. He usually reports to the OAC board at its spring meeting but had an unavoidable conflict. He will, however, be joining us for the June 19, 2013 meeting.

Ms. Henahan directed the board's attention to the catalog available at their places. *The Sum of Many Parts* features 25 contemporary quilters from the Midwest, the South and Hawaii. Touring across China from 2012–2014, this exhibition will highlight a range of quilting styles and techniques while providing an opportunity for Chinese audiences to connect with American culture through our shared love of textile arts. Carolyn Mazloomi (OAC Ohio Heritage Fellow, 2003) of West Chester, Ohio, is one of the featured quilters in the exhibition and you can see her work on page 74 of the catalog. This program was conceived and sponsored by the United States Embassy-Beijing. The exhibition and its tour throughout the People's Republic of China has been jointly developed and managed by Arts Midwest and South Arts, with additional assistance from the Great Lakes Quilt Center at Michigan State University. Additional support came from the state arts agencies that had artists in the exhibition, including Alabama State Council on the Arts, Illinois Arts Council, Iowa Arts Council, Kentucky Arts Council, Michigan Council for

Arts and Cultural Affairs, Mississippi Arts Commission, North Dakota Council on the Arts, South Dakota Arts Council and the Ohio Arts Council.

Governor's Awards for the Arts

Ms. Henahan reported that preparations for the Governor's Awards for the Arts in Ohio and Arts Day Luncheon continue, and that First Lady Karen Kasich will be joining us at the event.

Tri-State Community Change through the Arts Colloquium

The OAC continues to work with neighboring state arts agencies on shared professional development for the arts and cultural sector:

- The OAC, in partnership with the Indiana Arts Commission, the Michigan Council for Arts and Cultural Affairs, and the University of Notre Dames DeBartolo Performing Arts Center will present a tri-state colloquium, "Embracing Community Change through the Arts," April 18 and 19, 2013. This two-day colloquium will feature sessions with fifteen nationally recognized presenters exploring how arts organizations can broaden their reach and include all community facets to advance initiatives. The OAC offered 10 scholarships of \$125 each on a first-come, first-served basis to support teams of three representatives from Ohio nonprofit arts organizations to attend the colloquium.
- The OAC, in partnership with the Indiana Arts Commission, the Kentucky Arts Council, Ball State University Building Better Communities, and the Joyce Foundation, will present a two-day colloquium on community innovation and growth for arts organizations and community partners in Indiana, Kentucky and Ohio. Again, for this conference, the Ohio Arts Council is offering 10 scholarships of \$175 each on a first-come, first-served basis to support teams of three attending the colloquium.

Vice-chair Ginger Warner stated that this is a great opportunity for Ohio participants and inquired where the funds for the scholarships come from. Ms. Henahan responded that this is funded through federal grant money for activities that support the agency's State Arts Plan.

Visits, Meetings and Activities Around Ohio

Ms. Henahan reported that she participated on a panel for Leadership Upper Arlington on March 14. Established in 1988, Leadership Upper Arlington provides programs that strengthen leadership skills, broaden understanding of local issues, and connect participants with others in the community of Upper Arlington. She also spoke at the Canton Rotary Club about the arts, the economy and quality of life issues on March 15, 2013.

COMMITTEE REPORTS

Finance Committee

Committee Chair Ginger Warner directed the board's attention to the OAC Biennial Budget Development Cycle Recommendation prepared by the OAC staff. She stated that the committee had a lively discussion and the proposed cycle was approved for recommendation to the full board for passage by five of the six committee members. She added that the committee also discussed the Finance Committee description and recommended postponing the vote on that description until the June board meeting.

MOTION by Sharon Howard, seconded by Sara Vance Waddell, to accept the Finance Committee recommendation to accept the proposal of the Ohio Arts Council Biennial Budget Development Cycle.

Board member Monica Kridler inquired whether the proposed budget development timeframe includes adequate time for conversation around vision items. Ms. Henahan replied that the proposed cycle does allow for conversation about vision items but timing could be an issue. In the past, the agency has used the second year of a biennium, when our funding is definitive, as a testing time for a potential new grant program. If the board would like to revise the existing *OAC Guidelines*, it would be best to implement those changes this fall. The concern lies in how to adjust, if the board creates new programming before we have a definite budget. How do we adapt if we go through a panel process without knowing how much funding is available?

Committee member Sara Jane DeHoff inquired about the text in the proposal that states “July-mid-September 2014—Budget work sessions with OAC staff and Finance Committee take place” and what that entails. Does it mean that the Finance Committee members will be visiting the OAC office for a meeting with the staff? Ms. Warner responded, maybe, and if so, that meeting would be open to the public. Ms. DeHoff inquired if this will be cumbersome for the staff and the committee members. Will these work sessions involve the entire Finance Committee or just one of the committee’s members? Ms. Warner responded that under the Open Meetings laws, it would have to be the entire Finance Committee. She added that the OAC board has only received the OBM proposal after it has been submitted to OBM.

Committee member Karen Bell clarified for Ms. DeHoff that the discussion at the Finance Committee meeting revolved around two different philosophies. A few members were interested in working with the staff on a more micro-level and others at the macro-level. She expressed that this proposal seems to lean more towards the micro-level, and she is concerned that it will be cumbersome and slow down this time-sensitive work.

Ms. DeHoff responded that there needs to be further discussion about this issue. The OAC board is a review and policy board and doesn’t have the authority to micromanage in this way. She inquired if the OAC had discussed these changes with the Attorney General’s Office.

Ms. Warner responded that these changes will be discussed over the next year. Ms. DeHoff interjected that the board doesn’t need to vote on them yet if that is the case. She doesn’t want to vote on something that the board hasn’t worked out sufficiently. Ms. DeHoff expressed that some of these changes were more about programs and do not fall under the responsibility of the Finance Committee. These changes should be addressed during one of the board’s January meetings, which have been specifically scheduled for planning.

Ms. Warner responded that these changes do fall under the responsibility of the Finance Committee because any change made will involve funding, budget and allocation. Ms. DeHoff stated that there has to be a program before the staff begins working on costs. That vision happens in a different committee before it goes to the Finance Committee. Ms. Warner stated that this is noted in the proposed timeline and will fall between June 2013 and 2014. The thought is that even though it is coming to the Finance Committee, it is something the entire board should participate in.

Committee member Sharon Howard added that the OAC staff developed this cycle based on a conversation that took place during the January 2013 board meeting. A few members were concerned that the board received the budget proposal after it was submitted to OBM. She reviewed that in the morning, the Finance Committee asked Ms. Henahan if the proposed budget cycle was one that the staff can work with and she replied that it would be difficult but that the staff could do it.

The micro/macro discussion was raised again but no agreement was found; consequently, the vote on the Finance Committee description was postponed until the next meeting. Ms. Howard inquired if there was a middle-ground position where everyone could find agreement. How do we avoid crossing the line into staff work yet get more information to the board members who want to be more involved?

Ms. DeHoff responded that if the board is to be more involved in the process of creating programs, the Finance Committee is not the right committee to oversee this discussion. Ms. Howard interjected that new programming is drilling down too much. The overarching conversation was about long-term vision and that doesn't necessarily stay with a program. Long-term vision encompasses a lot of things. She added that the purpose of this vote is just on the proposed cycle. The vote is not about whether or not this board should become more involved. As a board, we are financially responsible and there are some members who would like to receive more information from staff.

Ms. DeHoff stated that the budget cycle states the "July-mid-September 2014—Budget work sessions with OAC staff and Finance Committee take place." What is the definition of the work session and who is involved? Ms. Howard responded that the entire Finance Committee would be involved. There was discussion about having a separate Finance Committee meeting this summer to drill down and figure out where we land on this issue. Ms. DeHoff asked what the committee is trying to figure out. Ms. Howard answered that they would figure out how involved the board should be with the budget preparation and writing process.

Ms. Bell underscored that the board needs to be apprised of what is going on with the budget development, and she suggested that, instead of scheduling work sessions, all that is needed is to revise the proposed language to state that the staff will keep the Finance Committee and the OAC board apprised of the OBM guidelines, as soon as they are released. The committee or board can review the guidelines and determine whether it is necessary to hold a special meeting.

Ms. DeHoff responded that the current language under the Finance Committee descriptions already gives them the authority to do what Ms. Bell is suggesting. Whenever the board reviews something and doesn't agree with what was submitted by the staff, the vice-chair and the chair of the board or committee can call a meeting and give public notice.

Ms. Warner stated that if Ms. Henahan e-mails the board the guidelines from OBM, it would be the first time staff has done that. It would be beneficial to spend a brief session with the staff to discuss what will be proposed. She reaffirmed that this budget development cycle language was drafted by the staff and not the board. Committee member Monica Kridler interjected that Ms. Henahan drafted this language to reflect the wishes of the board.

Ms. Henahan clarified that the proposal was drafted to address the concerns of several board members. While this timeline does address the concerns of being more involved in the budget development process, it is not going to be easy. By the nature and virtue of the process, it involves a lot of staff effort to get the budget proposal ready. The timeline can't be predicted until the OBM guidelines are released. Some years we have had two months to prepare it and in others we have had three. The deadline for submission fluctuates depending on a variety of factors that the agency and board has no control over. Ms. Henahan added that she drafted this proposed timeline in hopes that it addressed what the board was looking for. Ms. Warner stated that the board is not looking for day-to-day involvement in trying to figure out how to put the budget together with the staff. The board is interested in how the agency allocates funds and would like updates before the finished proposal is submitted to OBM. Ms. Henahan stated that the staff is more than happy to do that. The minutes from the January meeting made it sound like the board was looking for something different. Keeping the Finance Committee apprised of the progress is doable. Board member Louisa Celebrezze stated that as the board certainly wants to remain informed but we don't want to siphon off the time and energy that the staff needs to be putting directly on the task.

Ms. Kridler added that the OAC has a great opportunity coming up. The agency will be celebrating its 50th anniversary in a couple years, and it would be wonderful to explore how we can celebrate. Maybe the agency can identify 50 individuals or organizations that have never received OAC funding and commit a certain amount of funds for each. We need to put the staff and board efforts into demonstrating how the arts help drive the economy and shape tomorrow's leaders. The board should focus on the broader picture and not just finance. Ms. Warner responded that this is where the visionary planning comes in and where the board will examine options and programs and begin allocating money for them. Ms. Kridler added that everyone can relax and be assured that things are running well and there have been no indiscretions.

Mr. Rich stated that the single most important policy decision an organization makes is fiduciary. The board would like to be more involved in the budget as opposed to just seeing it completed and approving it. Ms. Henahan stated that she will rework the budget development cycle timeline to reflect ongoing communication during the budget development cycle.

Ms. Howard withdrew her motion to accept the Finance Committee recommendation to accept the proposal of the Ohio Arts Council Biennial Budget Development Cycle.

Ms. Warner emphasized the importance of vision and its link to programs. It would be good to begin talking about our vision before or during the June board meeting.

GRANT RECOMMENDATIONS

Ken Emerick, director, Office of Individual Artist Grant Programs and Services and Kathy Signorino, program coordinator, presented the Individual Excellence Awards recommendations.

Board member Sara Vance Waddell inquired if staff can assure that these grants are distributed to individuals throughout the state and cover the entire state. Mr. Emerick stated that the applications go through a blind-review process. When you look at all the Individual Excellence categories and where the funding is going, it is apparent that there is a balance statewide. Ms. Henahan informed the members that out of the 47 applications that are recommended for funding, 34 are from new applicants.

MOTION by Sara Jane DeHoff, seconded by Monica Kridler, to approve the Individual Excellence Award panel recommendations. **Motion carried without dissent.**

GRANT RATIFICATIONS

Ms. Campbell-Zopf reviewed the grants that were awarded after the September 27, 2012 board meeting and must now be ratified by the board.

Ms. Warner inquired if the ratification report can provide more detail (i.e., how many applications were received and how many were granted during each quarter in each category). She also asked that the staff identify which grants are funded through federal and state funds. Ms. Henahan stated that more details can be provided. The issue with our current grant system is that it doesn't provide enough details, and we cannot customize reports in the way we would like. This issue will be addressed with the new online grant system.

MOTION by Sara Jane DeHoff, seconded by Sara Vance Waddell, to ratify grants, except for the Dayton Art Institute, awarded in Special – Organizations FY2012 and FY2013, Special – Individuals FY2013, and Artists with Disabilities Access FY2013. **Motion carried without dissent.**

COMMITTEE REPORTS (continued)

Policy and Planning Committee

Committee Chair Sharon Howard stated that the committee reviewed the simplification of OAC grant applications and reporting, Arts Ambassadors' materials, and the OAC Accomplishments 2010-2013. Ms. Howard asked Ms. Henahan for a brief summary of the simplification of OAC grant applications and reporting.

Ms. Henahan reported that in the summer of 2009, the OAC board and staff systematically rethought its business model in response to ongoing state budget reductions and subsequent layoffs of staff during a special board meeting. A significant part of that process was to develop a series of strategies to streamline existing grant application and reporting processes. Since 2009, improvements in the grant-making process have been informed by the annual OAC Constituent Satisfaction Survey, third-party program evaluations and the agency's 2011-2013 strategic plan.

Listed below are highlights of major changes:

- In 2010 and 2011, the OAC contracted with Dr. Craig Dreeszen of Dreeszen and Associates, to conduct an evaluation of its Arts Learning grant program—Artist Express, Artist in Residence (AIR) and Arts Partnership (AP).
- The agency revised its FY2012-2013 grant guidelines to allow for more multi-year grants in Arts Access and Sustainability. Longer grant cycles will reduce constituents' reporting burden and the agency's administrative workload and costs associated with processing applications and conducting panel reviews.
- Simplify application instructions and evaluation criteria, wherever possible.
- Move to online submission of support materials.
- Improve notification process alerting potential applicants to deadlines, required materials and other opportunities.

Deputy Director Mary Campbell-Zopf directed the members' attention to the Arts Ambassador materials found in the Council Book. There are a variety of examples and tips for good communication with authorizers, i.e., legislators, policy-makers, etc. This material is available on the *Making the Case* page on the agency's website and available to all constituents.

Ms. Campbell-Zopf presented the Accomplishment Overview for the last three years. This work could not have been achieved without the participation of many of the current OAC board members. This planning process was the most publicly inclusive strategic planning process in the history of the agency. Ms. Campbell-Zopf shared that she hopes the OAC board and constituents will use this information during their meetings with legislators. Below are a few of the highlights from her presentation.

- The OAC partners with Cityfolk, ThinkTV and the Ohio Humanities Council to increase public awareness of folk and traditional forms. This partnership sponsors the *Ohio Traditions* website to spotlight traditional artists and folk arts activities across the state. The OAC's NEA grant enabled the funding of website development and maintenance.
- The OAC's new Creative Economy grants are helping to create jobs and income, revitalize communities and downtowns, draw cultural tourists and strengthen livability.
- The new strategic plan placed greater emphasis on outcome evaluation in all grant programs. In response to this objective, the OAC contracted with Craig Dreeszen & Associates to evaluate all three of the OAC's Arts Learning grant programs—Artist Express, Artist in Residence and Arts Partnership. These rigorous evaluations found that the programs are working as intended to positively impact lifelong learning in the arts. The evaluations also determined that the programs could be strengthened through greater emphasis on program evaluation and learner assessment.

Ms. Campbell-Zopf reported that the staff will send this information to the board via e-mail.

MOTION by Ginger Warner, seconded by Louisa Celebrezze, to accept the report of the Policy and Planning Committee. **Motion carried without dissent.**

Executive Committee

Mr. Rich reported that the committee reviewed the OAC quarterly budget reports, the Rock and Roll Hall of Fame audit, report on this year's *Poetry Out Loud* event, agency communication report and the agency priority work.

MOTION by Karen Bell, seconded by Monica Kridler, to accept the report of the Executive Committee report. **Motion carried without dissent.**

Mr. Rich reported that in June, the board will begin discussion of succession planning since many staff will be retirement eligible within the next few years.

STAFF PRESENTATION

Joint Committee on Agency Rule Review (JCARR) Procedures

Mr. Rich invited Ms. Campbell-Zopf and OAC Assistant Attorney General Angela Sullivan to present on the JCARR rules revision process and procedures. Ms. Campbell-Zopf reviewed that in administrative law, rule-making refers to the process that agencies use to create and promulgate detailed regulations or procedures associated with statute. The rules that the board

will review amplify and clarify key provisions of the OAC's authorizing statute in the Ohio Revised Code. State agencies' rules change in response to new federal and state laws and requirements, agency procedures and/or difficulties that arise when trying to implement rules but that authorizing statute seldom change. Ms. Campbell-Zopf added that during the past year, OAC staff, in conjunction with Ms. Sullivan, reviewed the OAC rules to discuss problem areas and identify possible improvements for the board's consideration. Ms. Campbell-Zopf directed the members' attention to the Administrative Rules chart presented to them for review. The chart has two columns—the left-hand column presents the current rule language and the right-hand column notes whether a change is needed, and if a change is recommended, the proposed language is presented in red.

Ms. Sullivan reminded the members that the agency is bound by its authorizing statute and cannot go beyond its scope. The agency only has the authority given to it by the General Assembly. Ms. Campbell-Zopf reviewed each rule and asked members if they had any questions.

Ms. DeHoff inquired about the proposed change to Rule 3379-3-01 (Annual Meeting)-- "*At least one regular meeting of the council shall be held each year at such time as the executive committee shall designate.*" She felt that since most by-laws are interested in the annual meeting, if we would accept the proposed change then we would no longer be discussing the annual meeting.

Ms. Sullivan informed the members that the change was made because the OAC board holds more than one meeting a year. It also matches the Open Meetings statutes that refer to regular and special meetings.

Ms. DeHoff then inquired about the reason why we changed (A) in 3379-3-08 to only Internet notice and expressed concern that we haven't covered enough.

3379-3-08 Notice to the public.

(A) Internet. Notice of all regular or special meetings shall be posted on the council's internet site: <http://www.oac.ohio.gov>, or any successor website.

(B) Statehouse press corps and electronic media. Notice of all regular and special meetings shall be given to the statehouse press corps and electronic media via distribution of press release. Notwithstanding the foregoing, the council shall not hold a special meeting unless it provides twenty-four hours advance notice to the news media that have requested notification, except in the event of an emergency requiring official action. In an event of an emergency, the member or members calling the meeting shall immediately notify the news media that have requested notification of the time, place, and purpose of such meeting, to the best ability of the council.

(C) Request in writing. Anyone wishing to be notified of any regular or special meeting of the council shall request the same in writing submitted to: "Ohio Arts Council, 30 E. Broad Street, 33 Floor, Columbus, Ohio 43215-3414." Such submittal shall include the address and phone number where notification can be made. The submittal shall be good for all meetings remaining during the fiscal year such submission in made. The fiscal year shall run from July first of any year to and including June thirtieth of the next year.

(D) Costs. The council may determine the reasonable expenses incurred by notification and may charge a fee to cover such expenses.

Ms. Sullivan responded that the idea behind the change was to get it to the Statehouse press corps to be posted on *Gongwer* and *Hannah News Service* so that people can request individualized notice, if they are interested.

Ms. Warner agreed with Ms. DeHoff and suggested the staff reinstate the previous text to say:

(A) In accordance with division (F) of section 121.22 of the Revised Code, notification of the time and place of all regularly scheduled meetings of the council shall include, but not be limited to, news releases sent to the news media mailing list at least seven days prior to each meeting. Twenty-four-hour advance notification of the time, place, and purpose of all special meetings of council shall be provided to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency meeting, all news media that have requested notification of council meetings shall immediately be notified of the time, place, and purpose of the said meeting, to the best ability of the council.

Ms. Campbell-Zopf said that inserting the introductory reference “In accordance with division (F) of section 121.22 of the Revised Code...” before the proposed text would be an easy change to make.

Ms. Warner stated that she found the document confusing and wasn't sure she could vote on any of the changes during today's meeting. She asked why “council” isn't capitalized when referred to in the document. Ms. Sullivan answered that this is in keeping with the prescribed style that is required by the Legislative Services Commission.

Mr. Rich inquired about the rule about the quorum stating that with the difficulty that the agency has been experiencing with getting new members appointed to the board, could it be a majority of the present voting members as opposed to just the voting members. Does it have to be the majority of all voting members? As of June 30th, we will have three members whose terms are expiring and even with the newly appointed members, if we don't have other new appointments, we will not have a quorum to conduct business in the fall. If we don't have a quorum, we can't approve grant recommendations to distribute funds across the state. Ms. Bell agreed with Mr. Rich.

Ms. DeHoff inquired if the language in the statute that says “a simple majority of the members of the OAC shall constitute a quorum...” is referring to the current number of members appointed or to the entire body, appointed and vacant seats.

Ms. Sullivan stated that we are trying to clarify this issue. The statute stated “members” which means all of them including non-voting members. It doesn't specify voting or non-voting members. “Members” in the Ohio Revised Code Chapter 3379.02 Ohio Arts Council describes voting and non-voting.

Ms. DeHoff stated that the issue doesn't explain whether its members of the entire body and members that could be appointed or just members currently appointed to the board. The quorum

on other boards is set by the number of members who are appointed and not by the number of members that could be appointed.

In anticipation of the board meeting ending earlier than planned because a board member was unable to stay to the end of the scheduled meeting, Ms. Campbell-Zopf suggested that the board vote on the more straightforward changes that were easy to make so that work could continue on the rules between board meetings.

Mr. Rich felt he would like to resolve this issue during today's meeting before Ms. Howard left so that the board doesn't have to run into the quorum problem at the June or any other board meeting. He inquired if the General Assembly has already defined what a quorum was or if it's up to the OAC to define it.

Ms. Sullivan stated that the Ohio Open Meetings Act says that a public meeting is attended by the majority of the members of a public body. In this case, it would be voting and non-voting members. Clearly, the OAC needs to get clarification on the issue of quorum to avoid a situation where votes have to be voided.

Mr. Rich asked Ms. Sullivan if this is an issue we need to formally request an opinion from the Attorney General's office. Ms. Sullivan stated that she is not comfortable making a recommendation in a time-pressured situation.

Ms. Campbell-Zopf added that one of the reasons the word "voting" was inserted before "members" in the rules was because it was confusing and most agencies only count voting members in the quorum. It also could be problematic if a small number of individuals, who don't represent the entire state, make decisions on state agency policy.

Ms. Kridler stated that there should be a way, when we find ourselves in this situation, that we can still conduct business. Mr. Rich agreed stating that we need to be able to conduct business especially because these situations are out of our control. Ms. Vance Waddell added that this is dangerous.

Ms. Warner stated that just because the maximum number of a board is set doesn't mean that all the seats need to be filled. If the Governor is comfortable with only appointing a certain number of individuals then we should be able to continue and conduct agency business with that number. Ms. Sullivan stated that she will continue to look into this issue and research case law.

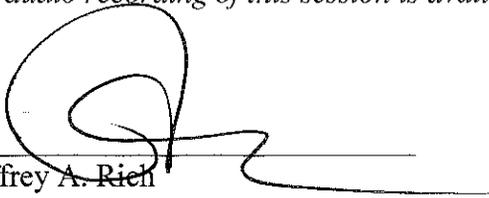
Mr. Rich asked Legislative Aide Damien Hardy for Senator Eric Kearney and Legislative Aide Goran Babic for Senator Gayle Manning to discuss this problem and ask if they could intervene on behalf of the OAC and ask Boards and Commissions to make more appointments. Mr. Babic responded that Senator Manning spoke with the Governor's Office on Friday and will continue to follow-up to assure that appointments are made.

Approved: June 19, 2013

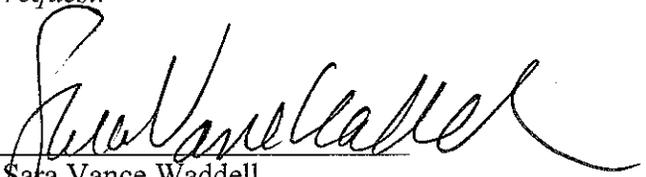
ADJOURNMENT

Board member Sharon Howard needed to leave the meeting at 2:28 p.m. and the meeting adjourned at 2:30 p.m. due to the lack of a quorum.

An audio recording of this session is available upon request.



Jeffrey A. Rich
OAC Board Chair



Sara Vance Waddell
OAC Board Secretary