

ALABAMA STATE COUNCIL ON THE ARTS AND HUMANITIES  
ADMINISTRATIVE CODE

CHAPTER 130-X-1  
POLICY AND PROCEDURES

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130-X-1-.01	<u>Enabling Legislation Of The Alabama State Council On The Arts.</u>
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See Code of Ala. 1975, §§41-9-40 through 41-9-47.

**Author:** Albert B. Head

**Statutory Authority:** Code of Ala. 1975, §§41-9-40 through 41-9-47.

**History:** Filed September 30, 1982. **Repealed and New:** Filed September 11, 2018; effective October 26, 2018.

130-X-1-.02	<u>Bylaws Of The Alabama State Council On The Arts.</u>
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See Appendix attached to these rules.

**Author:** Albert B. Head

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**130-X-1-.03      Council Services.**

(1) Helps local arts councils, arts organizations and schools to develop arts activities by providing technical assistance and partial funding of projects.

(2) Develops and promotes, through grants and technical assistance, the enhancement of arts education statewide.

(3) Provides financial support for the operation of discipline-oriented arts organizations, independent coordinating organizations, and statewide arts service organizations which meet established criteria outlined in grants guidelines.

(4) Assists the state's larger discipline-oriented organizations in making their programming available through touring and outreach on a regional or statewide basis, particularly in areas with limited access to professional offerings.

(5) Provides a variety of services to individual Alabama artists including showcasing work, employment opportunities, technical assistance and offering fellowships.

(6) Encourages and recognizes outstanding achievement in the arts and notable contributions to the arts through the presentation of an arts awards program bi-annually.

(7) Provides through publications, newsletters, workshops, conferences and speakers, information about arts in Alabama and the State Council.

(8) Council planning and research involves data regarding organizations and economic impact of arts activity in Alabama generated by the nonprofit arts organizations. This data gathering provides information for the legislature, other branches of local and state governments, the business community, and the tourist industries.

(9) Sponsors conferences and leadership institutes on arts and arts-related topics for artists, arts administrators, board members and arts volunteers.

(10) Maintains a liaison with arts related federal agencies and agencies of state and local governments.

(11) Participates as a member state in South Arts, a nine-state regional organization which provides shared cultural resources for state arts agencies including workshops for State Arts Council members and staff.

(12) Assists arts organizations and local government in securing federal grants in the arts.

(13) Works in partnership with the National Endowment for the Arts, an independent federal agency, in identifying needs and providing support for arts organizations and arts programming in Alabama, which includes the receipt and disbursement of federal funds annually designated for Alabama.

**Author:** Elliot A. Knight

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#### **130-X-1-.04      Appeal Process.**

(1) While the fifteen-member Council appointed by the Governor is the final decision point for grants, any individual or organization whose application was not approved for funding may appeal to the Council for review of its decision.

(2) A written intent to appeal Council action should be submitted within thirty days after receiving notice of the Council's funding decision. Correspondence should be addressed to the executive director.

(3) Within thirty days, a staff/petitioner conference will be held for Informal review discussion of action taken by the Council.

(4) If the petitioner's concerns are not resolved at the informal conference, a formal review may be requested by the petitioner within ten days of the informal conference. Formal review requests must be made in writing to the executive director and must include reasons for requesting a formal hearing.

(5) Within ten days after receipt of the request for a formal hearing, the executive director will notify the Grants Review Committee chairman and the chairman of the Council; and a formal hearing will be arranged for the petitioner at the next scheduled Council meeting.

(6) The appeal process is confined to review those decisions reached on the application as originally filed and on information available to the Council at the time of its action.

(7) Organization applicants for each deadline are invited to appear before the Grants Review Committee as part of a "public hearing" in order to highlight information and answer questions about specific applications.

**Author:** Albert B. Head

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**130-X-1-.05**      **Public Participation At Council Meetings.**

(1) The Alabama State Council on the Arts as a public agency, maintains an open meeting policy on all quarterly meetings where action is taken and business conducted.

(2) Persons or groups who plan to attend a meeting should notify the Council in advance of the meeting so that adequate space may be assured.

(3) Persons interested in addressing the Council are asked to notify the executive director in advance of the meeting so that a time may be provided on the agenda and so that, in cases of petitions' request, the staff can prepare information the Council may need for consideration.

(4) Visitors attending the Council meeting who will be presenting a petition or offering gestures of hospitality or providing information may be confined to an agreed upon time limit if it becomes necessary to accommodate all visitors making a presentation.

(5) Persons who wish to prepare materials for Council consideration should provide twenty copies. Materials distributed at Council meetings become part of the public record and property of the Council.

(6) Guests attending Council meetings may request a copy of the minutes of that meeting after they have been approved by the Council at its next quarterly meeting.

(7) **Roberts' Rules of Order** apply at all Council meetings.

**Author:** Albert B. Head

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**130-X-1-.06**      **Freedom Of Information.**

(1) Access to public records of the Alabama State Council on the Arts is provided as soon as possible upon request from any citizen.

- (2) Such requests, oral or written, must include a clear description of the material requested. The Deputy Director responds to all requests upon approval of the Director.
- (3) A properly submitted request entitles one to inspect, copy or receive one copy of any public record not expressly exempted.
- (4) Requesters are given a reasonable opportunity to inspect and examine records during normal business hours. Records cannot be moved from the ASCA office.
- (5) Requests for a certified copy of a public record are satisfied by the following statement, "I certify that this is a true and exact copy," signed by an ASCA staff member.

**Author:** Albert B. Head

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#### **130-X-1-.07      Advisory Panels.**

(1) Since its beginning, the Alabama State Council on the Arts has sought the expertise of arts professionals from across the state to advise the Council in determining projects and programs to be funded or activities to be undertake. For this purpose, the Council appoints advisory panels in all the arts disciplines and/or grant program categories.

(2) Each advisory panel is composed of three to eight members appointed to evaluate applications submitted at a specific deadline. Panel members are selected on the basis of their special competence and reputation in their field. In the composition of each panel, geographical location is considered.

(3) Nominations for advisory panel members come from current advisors, from ASCA staff members, from arts administrators and arts organizations throughout the state, from interested citizens, and from council members.

(4) Prior to appointment and/or no later than thirty days after appointment, each panel member discloses any affiliation with any organization applying for council funding involving review by said panel member. A panel member does not in any way advise on any applications from such organizations.

(5) Duties and activities of Advisory Panels include:

- (a) Review and provide a critical analysis of grant applications. This responsibility involves careful, professional judgment about the artistic merit of proposed

projects in light of the guidelines for program under consideration. Recommendations of advisory panels do influence Council decision. However, the Council maintains full responsibility for final grant determination.

(b) Attendance at and evaluation of arts programs, projects, exhibits, and various arts activities.

(c) Serves as workshop resource persons, as consultants to arts organizations, and as advisors to ASCA in developing programs.

(d) Panelists are compensated for their service at a rate determined by the Council.

**Author:** Elliot A. Knight

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### 130-X-1-.08

### Policy Statement On Conflict Of Interest.

(1) The development and growth of the arts in our state requires maximum contribution from civic leaders and leaders in field of the arts. For this reason, it is felt that State Council member should not be disqualified from participating in the arts, in arts organizations, or in any of the projects supported by the Council solely because of their official capacity with the Council. Neither should they be disqualified from serving on the State Council because of their affiliation with any arts organization, state or local.

(2) The State Council is, however, alert to the possibility of a member's misuse, or apparent misuse, of such capacity to further his/her own interests or those of an organization with which he is affiliated.

(3) It is to preclude such possibilities that the Council is governed by the State Ethic Commission's policy regarding "Conflict of Interest."

(4) A Council member shall not in any way act on a grant application from an organization with which he/she is directly affiliated.

(5) Council members, as a state appointed public official must comply with, confirm to and otherwise abide by conflict of interest policies and ethic laws as administered and maintained by the State Ethics Commission.

(6) No Council member shall receive or solicit, directly or indirectly, anything of economic value as a gratuity or favor from any person or organization if the Council member has reason to believe that such favor is tendered solely because of his position with this state agency and is intended to unduly influence actions on a pending application or proposal.

(7) It should be remembered, however, that attendance at many types of arts events enhances one's value as a council member. Therefore, accepting complimentary tickets, catalogs, or other publications is permissible and considered a routine function of a council member.

**Author:** Albert B. Head

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### **130-X-1-.09      Guidelines For Grant Applications.**

(1) Applying for Grants.

(a) Who May Apply - An applicant for organizational grants must be an incorporated, nonprofit organization, with articles of incorporation on file with the State of Alabama, and be qualified as a tax-exempt organization to which donations are allowable as a charitable contribution, or be a unit of state, county, or local government.

1. Individuals may apply for the following grant types:

(i) Fellowships;

(ii) Folk Arts Apprenticeships;

(iii) Technical Assistance;

(iv) Public projects with an eligible organization serving as fiscal agent.

2. Grants will be awarded only for projects within the State of Alabama. Exception will be made only when ASCA is a participant and/or recipient of grants from the National Endowment for the Arts or other agency for projects carried out in cooperation with other state, regional or national arts agencies.

(b) Grants Criteria - In giving full and complete consideration to the many applications that are received, the Council follows certain criteria in its process. The criteria are presented and specified for each program area in

"Guidelines for Grants and Fellowships" but generally include items such as:

1. Ability to successfully implement proposed project;
2. Administrative competence;
3. Artistic growth and development;
4. Artistic quality;
5. Continuation of the project without ASCA's support;
6. Creativity;
7. Outreach to new and minority audiences;
8. Public service;
9. Regional/community impact and need;
10. Clarity of project and goals;
11. Evidence of community support;
12. Consistency with grant guidelines;
13. Financial commitment of the applicant and community to be served;
14. Previous record of successful project management;
15. Soundness of project design and fiscal plan;
16. Public access and awareness of the project;
17. Accessibility to all individuals, regardless of ability;
18. Service to Alabama.

(c) Areas Not Supported;

1. Activities for which academic credit is given;
2. Activities outside of Alabama (With the exception of National Endowment of the Arts, National Assembly of State Arts Agencies, and South Arts projects);
3. Contingency funds;
4. Expenses incurred before the starting date of period covered in the grant request;

5. Fundraising;
6. Investment of any kind;
7. Projects not available to the general public;
8. Projects which have sectarian or religious purposes;
9. Receptions and refreshments;
10. Projects sponsored by or taking place on college or university campuses which exclude non-students or are part of a required course or curriculum. College and university-based projects are eligible for funding only when they involve and serve a significant percentage of non-student populations as participants/audience. Cooperation with local arts councils and other arts organizations in such cases would be very beneficial for all parties concerned with the promotion of the art in our state.

(d) Legal Assurances. - All applications submitted must be signed by the individual applicant, or, in the case of an organizational grant, an authorized official representing the applicant organization. An applicant's signature signifies agreement with the legal and technical requirements set forth in these guidelines.

1. A written signature is not necessary for documents sent electronically. An electronic signature, such as an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record is acceptable.

2. ALL APPLICANTS RECEIVING ASCA'S FUNDS MUST COMPLY WITH:

- (i) Title VI, Civil Rights Act of 1964. It provides in part that "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

- (ii) Section 504 of the Rehabilitation Act of 1973, as amended. It provides in part that "No otherwise qualified handicapped individual in the United States, as defined in Section 7(6), shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be

subjected to discrimination under any program or activity receiving federal financial assistance."

(iii) Section 504 of the Rehabilitation Act of 1973, as amended, provides that no otherwise qualified individual with a disability in the United States shall, solely by reason of his/her disability, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance (29 USC 794)

The American with Disabilities Act of 1990 (ADA), as amended, prohibits discrimination on the basis of disability in employment (Title I); State and local government services (Title II); and places of public accommodation and commercial facilities (Title III) (42 USC 12101-12213). The ADA's requirements apply regardless of whether you receive federal funds.

(iv) Title IX. Educational Amendment of 1972. It provides that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance."

(v) Fair Labor Standards. All professional performers and related or supporting professional personnel employed on projects or productions which are financed in whole in part under this grant will be paid without subsequent deduction or rebate on any account, not less than the minimum compensation for persons employed in similar activities.

(vi) No part of any project or production which is financed in whole or in part under this grant will be performed under working conditions which are unsanitary, hazardous or dangerous to the health and safety of the employees engaged in such project or production. Compliance with the safety and sanitary laws of the State of Alabama is sufficient.

(e) Period of Support - The period required to plan, implement, and complete the proposed activity must fall with ASCA's fiscal year - October 1 through September 30. Exceptions are only for appropriated funds that extend into multiple fiscal years (i.e. "rolled over").

(f) Acknowledgment of Support - All organizations receiving grants from ASCA must include in all promotional publicity, advertising and in any printed program for the project the following credit line:

1. "This project is sponsored by (grantees name) and the Alabama State Council on the Arts with the assistance of the National Endowment for the Arts, a federal agency."

2. This statement shall appear in all publicity, advertising or promotional material regardless of the level of funding support by ASCA. In written material, the same size type must be used for the entire credit line. This statement must be displayed in the most appropriate and conspicuous manner.

(g) Contracts, Reports, Evaluation, Payment -When a grant is approved, a grant letter and/or contract is forwarded to the applicant specifying the terms of the grant. After the applicant agrees to the terms, no major changes in the project can occur either in Activities, personnel or budget unless approved in advance by ASCA. Accurate records, including in-kind funds document, must be kept for a period of three years. Financial records must be available for audit upon request.

1. A final narrative and financial report is required of all grant recipients. The form for submitting this final report is a part of the contract announcing the grant award and should be read by the chief administrative officer and the project director before the project begins so they will know in advance the types of information required by the Council. Final reports are due within thirty days after the end of the project.

2. All grantees will be required to complete proper evaluation forms. In addition to the written evaluation, grantees may expect visits by Council Members, Advisory Panels or the ASCA staff. Announcements of supported events must be sent to the Council's office no later than three weeks in advance before the event. The grantees are expected to admit Council Members, advisory panel members or the ASCA staff, free of charge, to events supported by ASCA.

3. To broaden the scope of evaluation, the Council encourages grantees to undertake additional methods of evaluating their own programs. This can be accomplished by audience surveys, participant evaluations, questionnaires, and the use of outside evaluators.

4. Grant funds will be paid to the grantee one-half in advance and one-half after the project is completed and a final report has been received in ASCA's office except in the case of Operational Support and Statewide Partnership Grants which are paid in quarterly installments.

(h) Cancellation ASCA reserves the right to withhold or cancel funds allocated to grantee in the event the grantee does not

meet the specific reporting deadlines or changes the project without prior approval from ASCA.

(i) Future Funding - Support for a project does not imply future Council support. Each year, applications are considered in relation to other application and the amount of funds available.

(2) Grants Review Process.

(a) Staff Review - When applications are received they are reviewed by the fiscal officer, along with appropriate staff members for basic eligibility, and completeness. If any technical inaccuracies are found the applicant maybe requested to provide corrections within boundaries of reason precluding the total reworking of an application.

(b) Advisory Panels - The Council staff appoint panels of distinguished professional and community representatives in specific discipline areas. It is their responsibility to review applications and to make recommendations to the Council on the artistic quality and merit of each application. After the initial staff review of recommendations, these recommendations are made as an official part of the review process and made available to the Grants Review Committee and the full Council.

(c) Grants Review Committee - The Grants Review Committee, consisting of Council members appointed by the chairman, is responsible for meeting and reviewing all applications and advisory panel reports, and recommending levels of funding to the full Council.

(d) Council Review - At a meeting of the full Council, the Grants Review Committee reports its recommendations. The Council may accept, reject or adjust those award amounts recommended by the Grants Review Committee. The entire Council is responsible for final decisions, and all Council decisions are reached by a majority vote.

(e) Notification - All applicants are notified in writing of the Council's final decision. If an applicant is funded, but for an amount less than the request amount, accepting the revised grant amount is part of the Grant Agreement document signed by both parties.

(3) Categories of Support.

(a) Grants - The Council offers grants in areas of design arts, dance, education, folk arts, community arts, expansion arts, media arts, literature, museums, music, opera, special projects, theatre, visual arts and crafts, cultural facilities and individual artist fellowships. Any organization which is

incorporated as a nonprofit tax-exempt organization to which donations are allowable as a charitable contribution, or is a unit of state, county, or local government is eligible to apply. Other details for grants are outlined in guidelines

Guidelines for Grants and Fellowships are published, maintained on-line and distributed widely to all those interested in submitting an application and/or knowing about the grants program. The guidelines are maintained in the Council office and are hereby referenced in the Administrative Code.

1. The Alabama State Council on the Arts reserves the right to adjust any and all guideline provisions as it deems appropriate to fulfill its mandate and will notify potential applicants accordingly.

**Author:** Elliot A. Knight

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130-X-1-A Bylaws of the Alabama State Council on the Arts.

APPENDIX

BYLAWS OF THE

ALABAMA STATE COUNCIL ON THE ARTS

ARTICLE I - OFFICES

Section 1. Principal Office. The principal office of the Alabama State Council on the Arts shall be located in Montgomery.

ARTICLE II - CONSTITUTION AND SEAL

Act No. 551 of the 1967 Regular Session and as amended by Act. No. 1065 of the 1969 Regular Session, Act. No. 689 of the 1976 Regular Session, Act. No. 81-982 of the 1981 Special Session of the Alabama Legislature shall be the Constitution of the Alabama State Council on the Arts, Act 509 of the 1982 Regular Session, Act 575 of the 1987 Regular Session, Act 181 of the 1996 Regular Session, and Act 416 of the 2002 Regular Session. The seal of the Alabama State Council on the Arts shall be the State Seal. Other emblems or insignia may be utilized for publicity and/or public information purposes.

ARTICLE III - COUNCIL MEETINGS

Section 1. Annual Meeting. The annual meeting of the Alabama State Council on the Arts for the transaction of business shall be held on a date and time designated in the first quarter of the fiscal year. The fiscal year of the Council shall begin on the first day of October and end on the last day of September, in each year.

Section 2. Regular Meetings. The Council shall meet quarterly, four (4) times each year, at such hours, and in such place, as agreed upon by a majority of Council members.

Section 3. Special Meetings. Special meetings of the Council may be called by or at the request of the Chairman, or, in his absence, by the Vice-Chairman or a request from at least five (5) Council members.

Section 4. Action Without a Meeting. Any action required or permitted to be normally taken by the Council at a meeting may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by two-thirds members of the Council. Action may further be taken by the Executive Committee as specified within these By-Laws.

Section 5. Notice of Meetings. Notice of and the regular meetings of the Council shall be given at least ten (10) working days prior to the date thereof of mailing a copy of the notice to each Council member at his last known residence. Notice of special meetings of the Council shall be given at least seven (7) days before the meeting. Each notice shall specify the place, the day, the hour of the meeting, and, in the case of special meeting, the nature of the business to be transacted.

Section 6. Quorum. A simple majority of the Council members shall constitute a quorum for conducting the business of the Alabama State Council on the Arts. No business shall be considered by the Council at any meeting at which a quorum, as defined herein, is not present; the only motion which the Chairman shall entertain at such meeting will be a motion to adjourn.

Section 7. Organization. The meetings of the Council shall be presided over by the Chairman, or, in his absence, by the Vice-Chairman, or, in his absence, by the Secretary of the Council.

Section 8. Presumption of Assent. A member of the Council who is present at a meeting at which action is taken shall be presumed to have assented to the action taken unless his dissent shall be entered into the minutes of the meeting or unless he shall file his written dissent to such action with the secretary of the Council before the adjournment thereof or shall forward such dissent by mail to the secretary of the Council immediately after the adjournment of the meeting. Such right to dissent shall not apply to a member who voted in favor of such action.

#### ARTICLE IV - COMMITTEES

Section 1. Committees. There shall be an Executive Committee, Grants Review Committee, Long Range Planning Committee, and such other committees as the Chairman with the approval of the Council may from time to time determine and implement. The Council Chairman shall serve as an ex-officio member of all committees, unless otherwise specified in these Bylaws. Appointment of committee members and naming of Chairman of each committee shall be made by the Chairman of the Council. The Council representative to the National Assembly of State Arts Agencies and to the South Arts shall be the Chairman of the Council or a Chairman designee. The committee members shall serve two years concurrent with the term of the Chairman. The Vice-Chairman of the Council shall represent the Council on the Arts License Tag Committee where Council representation is specified by ACT 181.

Section 2. The Executive Committee. The membership of the Executive Committee shall be the Chairman, Vice-Chairman, the Immediate Past Chairman of the Council, if still a member of the Council, the Secretary and the committee chairs as appointed by the Council chairman. A quorum of the Executive Committee shall

consist of a majority of the Executive Committee members. The Chairman of the Council shall serve as Chairman of the Executive Committee. The Executive Committee shall meet at the call of the Chairman, at stated times, or on notice to all by any of their own members. Tenure on the Executive Committee shall be two (2) years. The Executive Committee may, during the intervals between meetings of the Council, advise with the Executive Director in all budgetary and policy matters, and shall have powers of the Council in the management of the business affairs of the Council, except to such matters as the Council has by resolution expressly reserved to itself and matters covered by existing state law and/or policy. All actions by the Executive Committee shall be reported to the Council at its next meeting. The Executive Committee shall serve as a search committee related to the hiring of an Executive Director.

Section 3. The Grants Review Committee. The Grants Review Committee shall review all applications, and recommend funding positions to the Council. The tenure of the Grants Review Committee shall be two (2) years, and meetings shall be called by the Chairman of the Grants Review Committee. Advisory Panels along with Council staff will assist the Grants Review Committee in reviewing and recommending projects from arts organizations and educational institutions. An Advisory Panel member can be reappointed for a maximum of three consecutive deadlines. Meetings of the Advisory Panels will be coordinated and facilitated by the Council staff. Expenses of the members of Advisory Panels may be lawfully reimbursed by the Council. Panel members may be compensated for their service, at a rate determined by the Council. All recommendations by the Grants Review Committee shall be reported to the Council at its next meeting succeeding such recommendations and shall be subject to revision and final approval by the Council.

Section 4. Long Range Planning Committee. The Long Range Planning Committee of the Council is primarily responsible for establishing, reviewing and revising programs and funding priorities reflected in a multi-year plan (3 to 5 years) adopted by the full Council articulating the mission, goals, objectives and strategies for the agency. Additional and related responsibilities include: 1) legislative relations and advocacy; 2) community relations involving needs assessment, collaborative ventures and conflict resolution; 3) every two years analyze needs and nominations leading to recommendations for appointments by the Governor to the Council; 4) review the annual program/grants budget and make recommendations to the full Council regarding funding levels and priorities for the fiscal year; 5) consider funding issues relative to grant guidelines and/or grant policies and make recommendations for changes that are consistent with the multi-year plan and program initiatives of the Council; 6) periodically review council by-laws and recommend amendments as needed; 7) assuming additional tasks as assigned by the Chairman of the Council and/or identified by the Long Range Planning chair

which reflects a specific need, interest and/or new initiative of the full Council.

Section 5. Meetings of the Committees. Meetings of all committees shall be called by the Chairman of each committee, and shall meet in connection with each regular Council meeting and at other times when requested to do so by the Council or the Executive Committee. Unless expressly specified in these Bylaws, committee powers are limited to their making recommendations to the Council for consideration and action. Tenure on all committees is the two-year period, in which members are appointed.

Section 6. Quorum of Committees. A majority of the committee members shall constitute a quorum.

#### ARTICLE V - OFFICERS TERMS OF OFFICE

Section 1. Number. The Officers of the Council shall be the Chairman the Vice-Chairman and Secretary.

Section 2. Election and Term. The Officers of the Council shall be elected by the Council members at the appropriate annual meeting of the Council for one two-year term. Each officer shall hold office during the two years of the term and until his successor is elected and qualified. Any vacancies occurring in offices shall be filled by the Council at the first available meeting. The Council shall appoint such temporary or acting officers as may be necessary during the temporary absence or disability of a regular officer. A term begins immediately following the vote of the Council at the meeting where elections do take place.

Section 3. Removal. The Council may remove, either with or without cause, any officer.

Section 4. The Chairman. The Chairman shall preside at all meetings of the Council. He shall have such other powers and perform such other duties as the Council shall designate or be required by the state or as may be provided in these Bylaws or applicable state law. The Chairman shall be a voting member of the Executive Committee and ex-officio member of all other committees.

Section 5. The Vice-Chairman. The Vice-Chairman may perform such acts, not inconsistent with these Bylaws or applicable law. In the Chairman's absence or inability to act, the Vice-Chairman may exercise the powers of the Chairman, except as otherwise determined by the Council. Any action taken by the Vice-Chairman in the performance of the duties of Chairman shall be conclusive evidence of the absence or inability to act of the Chairman at the time such action was taken. The vice-Chairman shall have such other powers and perform such other duties as may be assigned to him by the Chairman and by the Council. The Vice-Chairman shall

serve as the Council representative on the Arts License Tag Committee and be voting member of that body as specified by Legislation.

ARTICLE VI - GENERAL

Section 1. Compensation. No compensation shall be paid to members for their service as members. Members may be reimbursed for expenses incurred by them in the performance of their duties as specified by state policy and procedure. A member may be paid for a professional service in a capacity other than as a member, subject to approval by the State and the Council. It is understood that the Council shall indemnify each member in any action, suit or proceeding to which he may be made a party by reason of his being, or having been, a member of the Council and to pay any judgment or settlement that may result there from, whether ordered by Court of entered into by settlement.

Section 2. Amendments. Except as otherwise required by law, these By-Laws may be amended at a regular meeting or a called meeting for that purpose, provided written notice of the proposed amendment shall be given at least fourteen (14) days prior to such meeting. Such amendment shall require an affirmative vote of two-thirds of the Council.

**Author:** Albert B. Head

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