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### ARTICLE II

#### PRINCIPAL OFFICE

The principal office and place of business of the Utah Arts Council is 617 East South Temple, Salt Lake City, UT 84102.

### ARTICLE III

#### APPOINTMENT AND POWERS OF THE BOARD OF DIRECTORS

- A. As appears in the statute (9-6-204), "There is created within the department [DCED] the Board of Directors of the Utah Arts Council. The board shall consist of 13 members appointed by the governor to four-year terms of office with the advice and consent of the Senate. . . . Nine board members shall be working artists in the following areas: visual arts; architecture or design; literature; music; sculpture; folklore or folk arts; theatre; dance; and media arts. Four board members shall be citizens knowledgeable in the arts. The members shall be appointed from the state at large with due consideration

for geographical representation." (Utah Code, Amended by Chapter 243, 1996 General Session)

- B. The term of appointment is four years. Board members may be reappointed for a second term.
- C. The Board Chair is annually appointed by the Governor. The Governor may reappoint the Chair to serve an additional year.
- D. Seven members of the Board shall constitute a quorum for the transaction of business.
- E. The Board of the Utah Arts Council, a division of the Department of Community and Economic Development, shall be the policy-making body, which determines the objectives of the Council. It shall allocate state, federal and private monies for the advancement of the arts.

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#### ARTICLE IV

##### MEETINGS

- A. Meetings of the Board shall be held at least bimonthly, and others called by the Chair or four members of the Board as needed.
- B. The annual meeting of the Board shall be the regular spring "Grants" meeting. Business to be conducted will be approval of the following-year budget, which includes, among other things, the awarding of grants, and such other matters as need to be addressed.
- C. Notice of all regular meetings of the Board shall be sent to all members by ordinary mail at least seven days in advance of each meeting. Such notice shall include date, time, and place of the meeting as well as a copy of the agenda for the presenting and a copy of the minutes of the previous meeting.
- D. All meetings of the Board shall be conducted according to the Robert's Rules of Order. The Chair has the authority to appoint a parliamentarian, a member or non-member of the Board, who shall have the duty to advise the presiding officer on points of parliamentary law, and also give similar advice to the Board when it is requested.
- E. Written minutes shall be kept of all open meetings. Such minutes shall include:
  - 1. The date, time and place of the meeting;

2. The names of members present and absent;
  3. The substance of all matters proposed, discussed, or decided, and a record of votes taken;
  4. The names of all citizens who appeared and the substance, in brief, of their testimony; and
  5. Any other information that any member requests be entered in the minutes.
- F. According to the Utah Open and Public Meetings Law, all meetings of the Board shall be open to the public, except closed meetings as allowed by law. The Council will publish annually a schedule of its regular meetings for the coming year, including the date, time, and place of these meetings. In addition, notice of the agenda, date, time and place for each meeting will be posted at the principal office and provided to the *Salt Lake Tribune*, *Deseret News*, and other interested members of the news media or other interested organizations or individuals who request notification of the meetings of the Board, not less than 24 hours before the beginning of the meeting.
- G. An emergency meeting may be held when, as a result of unforeseen circumstances, it is necessary to consider matters of an urgent or emergency nature. In such a case, the notification requirements may be disregarded and the best notice practicable shall be given. No such emergency meeting shall be held unless a reasonable attempt has been made to notify all of the members of the Board and a majority votes in the affirmative vote of two-thirds of the members of the Board present at an open meeting for which notice is given, provided a quorum is present. Closed meetings shall be open only to officers and members of the Board except as otherwise directed by the Board. A closed meeting may be held for any of the following purposes:
1. Discussion of the character, professional competence, or physical or mental health of an individual;
  2. Strategy sessions with respect to collective bargaining, litigation, or purchase of real property.
  3. Discussion regarding deployment of security personnel or devices; and
  4. Investigative proceedings regarding allegations of criminal misconduct.
- H. Written minutes shall be kept of all closed meetings. Such minutes shall include:

1. The date, time and place of the meeting;
2. The names of members present and absent;
3. The names of all others present except where such disclosure would infringe on the confidence necessary to fulfill the original purpose of closing the meeting.

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## ARTICLE V

### ELECTIONS

- A. Annually, the Governor shall name the Chair of the Utah Arts Council. The Chair may name a Vice Chair, and the immediate past Chair shall serve as Advisor. If the immediate past Chair has retired from the Board, the Chair may name an experienced Board member as Advisor. These officers will serve on the Executive Committee along with two Board members-at-large who shall be elected by secret ballot. Two-thirds (9 members) of the Board shall be required to cast votes for a valid election. Members who cannot attend this meeting may return their absentee ballots by personal delivery or certified mail (return receipt requested) to the principal office of the Council prior to the meeting.
- B. New officers and Board members-at-large to serve on the Executive Committee shall assume office July 1.
- C. Should a vacancy occur in either of the two Board member-at-large positions on the Executive Committee, the Chair shall name a replacement within thirty days.

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## ARTICLE VI

### OFFICERS

Officers And two Board members-at-large: (1) shall serve at the pleasure of the Board as the Executive Committee; and (2) may serve in the office a maximum of two years.

- A. **Chair:** It shall be the duty of the Chair to preside at all meetings of the Board and the Executive Committee, act as ex-officio member of all other committees, and perform such other duties as may be designated in connection with the business of the Council.
- B. **Vice Chair:** The Vice Chair shall serve as a member of the Executive Committee, and shall perform all duties of the Chair during the Chair's absence. The Vice Chair shall

- be named by the Chair.
- C. **Advisor:** The Advisor shall serve on the Executive Committee and act in the absence of the Chair and Vice Chair. The immediate past Chair shall be the Advisor unless the immediate past Chair is retired from the Board in which case the Advisor shall be an experienced Board member named by the Chair.
- D. **Board Members-at-Large:** Two Board members-at-large shall be elected biennially to serve on the Executive Committee.

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## ARTICLE VII

### COMMITTEES

To assist in carrying out the objectives and purposes of the Utah Arts Council, committees shall be created biennially by election or appointment, as the case may be. In appointing certain committees, the Chair will also designate the chair of each committee. A majority shall constitute a quorum and shall be necessary for official action. Committees shall act in accordance with the directives for which they are created. Committee members affiliated with organizations requesting state funding may participate in budget discussions but must not advocate or vote on recommendations affecting such grant requests, as delineated in the Conflict of Interest Statement.

- A. **Executive Committee:** This committee shall consist of the following appointed and elected voting members: Chair, Vice Chair, Advisor, and two Board members-at-large.

If a member of the Executive Committee is unable to attend a meeting, it becomes that member's responsibility to designate another Board member who will substitute for the absent member, with full rights and responsibilities of the absent member for the duration of the Executive Committee meeting for which substitution is made.

1. The Director and the Assistant Director of the Council shall serve as non-voting members.
2. Depending upon the items of business to be discussed, the committee may invite resource people from the Board, staff, or other sources, to attend in a non-voting capacity.
3. The committee may approve emergency expenditures for amounts of five thousand dollars (\$5,000) or less; will be responsible for fiscal oversight of the Council, and may conduct other business assigned by the Chair and/or Board, but

shall not make policy decisions for the Board.

4. All Executive Committee actions shall be reported to the Board at its next regular meeting.
- B. **Ethics/Overview Committee:** The Chair shall appoint an Ethics/Overview Committee to deal with problems of ethics, Board/agency performance and accountability, as well as compliance with federal mandates. It may be a committee of one or more, with the availability of the Chair and Board members as needed.
- C. **Policy/Long Range Planning Committee:** Membership for this committee is the same membership as that of the Executive Committee. This committee shall meet at will to review policy and long-range plans and will recommend/report to the Board at least annually.
- D. **Legislative Planning/Public Information Committee:** This committee will be appointed by the Chair and shall meet at will and report to the Board at least annually.
- E. **Grants Review Committees**, appointed biennially by the Chair, shall include:
1. Community Outreach
  2. Literary Arts
  3. Multi-Discipline
  4. Performing Arts
  5. Visual Arts/Architecture/Environmental Arts & Design

The grants committees shall review all applications for funding in consultation with their advisory panels, and shall submit their recommendations to the Board for approval or modification at the annual meeting in April, and at the December Board meeting.

- F. **Outreach Committees**, established to develop and evaluate programs and appointed by the Chair, shall include:
1. Arts in Education
  2. Community Outreach (same committee as in E. above)
  3. Folk Arts
  4. Individual Artist Services
  5. Public Art

Additional programs that further the work of the Council, such as playwriting and media, may be established. Board liaisons with such programs shall be appointed by the Chair.

- G. Other Committees:** The Chair may establish and appoint other committees or make other assignments as necessary to meet the needs of the Council.

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## ARTICLE VIII

### ADVISORY PANELS

- A. Committee chairs, in consultation with other members of the committee and staff, shall appoint panels of experts in the fields of their arts disciplines and from the state at large, giving all due consideration to broad regional, ethnic minority and special constituency representation. The panels shall meet with the chair of the committee, who is also chair of the panel, at least once each year at a time and place to be determined to evaluate programs, including review of grants applications, to determine levels of artistic quality.
- B. Each advisory panel shall have no fewer than three members.
- C. Terms of service will be two years and panelists will not serve more than two consecutive terms.

## ARTICLE IX

### STATEMENT OF CONFLICT OF INTEREST

Board, committees and panelists must abide by the Statement of Conflict of Interest attached hereto.

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## ARTICLE X

### STAFF

The staff shall consist of positions needed to implement the policies and programs established by the Board, and shall perform the designated programming and administrative functions of the Council. Staff members shall serve as resource and programming persons, providing evaluative information on all programs to the Board and its committees.

- A. Director:** The chief administrative officer of the Council shall be a Director appointed by the Executive Director of the Department of Community and Economic Development with the concurrence of the Board. The Division Director shall serve at the pleasure of the Executive Director and may be removed by the Executive

Director after consultation with the Board. The Director shall be a person experienced in administration and knowledgeable in the field of fine arts.

- B. **Assistant Director:** The Assistant Director shall be hired in accordance with established rules of the Department of Human Resource Management of the State of Utah and shall administer internal duties of the office, and shall perform all duties of the Director during absence or disability.
- C. **Other positions:** The Board may recommend the establishment of other positions in accordance with established rules of the Department of Human Resource Management of the State of Utah.

## ARTICLE XI

### AMENDMENTS TO BYLAWS

Bylaws shall be reviewed by the Executive Committee prior to June 30 of each year. If changes are deemed necessary, the bylaws may be amended by a majority of the Board members present at any regular or special meeting, provided written notice of proposed changes is given at least thirty days prior to the meeting.

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