

WHEREAS, the Constitution of the Commonwealth of the Northern Mariana Islands provides that artifacts and other things of cultural or historical significance in the Commonwealth shall be protected, preserved and maintained; and

WHEREAS, it is the policy of the Commonwealth to make high quality arts and humanities cultural experiences available to all its residents, to recognize and support artistic excellence, to strengthen economic and professional opportunities for individual artists and performing artists and humanists, to provide leadership and information services on behalf of special interest art and culture groups in the Northern Marianas; and

WHEREAS, many of the residents of the Commonwealth lack the opportunity to view, enjoy, or participate in live theatrical performances, musical concerts, operas, dance and ballet, art exhibits, and the performing and fine arts generally and many of the residents possess artistic and creative talents which are not presently utilized to the fullest extent;

WHEREAS, the practice and enjoyment of the arts are of increasing importance and the Commonwealth will benefit by giving further recognition to the arts as a vital aspect of our culture, heritage and economy; and, as a valued means of expanding the scope of our educational programs and community life; and

WHEREAS, the Commonwealth encourages the participation by the public in institutions and professional organizations concerned with the arts, humanities and culture and the coordination of the resources of the Commonwealth Government to insure that the role of arts, humanities and culture in the life of our communities shall continue to grow and will play an ever more significant part in the welfare and educational experience of our residents; and

WHEREAS, Chapter 7 of Title I of the Executive Branch Organizations Act of 1978, Public Law 1-8 establishes the Department of Community and Cultural Affairs and this Department is responsible for the development of cultural activities within the Commonwealth;

NOW THEREFORE, by the power vested in me as Governor of the Commonwealth of the Northern Mariana Islands, pursuant to Section 15 of Article III of the Constitution, I, Carlos S. Camacho, hereby establish the Commonwealth Council for Arts and Culture (hereinafter referred to as the "Council") within the Department of Community and Cultural Affairs of the Commonwealth Government with the following objectives, powers, duties and functions:

Section 1.

A. The Council shall be composed of eleven persons, broadly representative of the Arts and Cultures of the Commonwealth, residents of the Northern Mariana Islands, citizens or nationals of the United States, over 18 years of age, with at least one female member, at least one member of Carolinian descent and at least one member from each senatorial district. The members of the Council shall be appointed by the Governor for a term of three years; Provided that of the members first appointed, three shall be appointed for one year, four shall be appointed for two years, and four shall be appointed for three years. All vacancies shall be filled for the balance of the unexpired term in the same manner as original appointments. A member may succeed himself once, but is not eligible for reappointment during the two year period following the expiration of his second term. Any member who shall have two consecutive unexcused absences from a Council meeting shall be presumed to have resigned from the Council. The Council may prescribe additional rules to govern its operations.

B. All decisions shall be made by a majority vote of members present at a meeting duly called, Provided, that they constitute a quorum.

C. The Council shall select annually from among its membership, by majority vote, a Chairperson and a Vice Chairperson. The Chairperson, or in his absence the Vice Chairperson, shall preside at all meetings of the Council, call meetings of the Council (which shall be held at least quarterly); in consultation with the Executive Director, appoint all Committees and Panels; and perform such other duties as the Council shall direct and specify. The Chairperson shall act for the Council between meetings on matters affecting the Office of the Commonwealth Arts and Culture (hereinafter referred to as the "Office").

D. The Council shall have the following powers, functions, responsibilities, and duties:

1. To adopt by-laws and policy resolutions and guidelines to govern the activities of advisory panels and committees created by it.

2. Review and adopt plans submitted by the Executive Director of the Office, including approval of the annual budget of the Council and the Office. Such plans including the annual budget shall be submitted to the Director of Community and Cultural Affairs for his approval and then transmitted to the Governor; provided, that, if the Director of Community and Cultural Affairs disapproves any such plan, the Council shall revise and resubmit the same to such Director within 15 days after such disapproval.

3. Appoint the Executive Director of the Office in consultation with the Director of Community and Cultural Affairs and set the annual compensation including benefits for the Executive Director. Such Executive Director shall be removed by the Council, after consultation with the Director of Community and Cultural Affairs, and only for cause. Public Law 1-9 shall apply notwithstanding the provisions of this Executive

4. To provide assistance to the Executive Director in the interpretation of Council's policies.

5. Establish internal rules and regulations to govern activities of the Council.

6. To review, accept, and approve the award of local grants and contracts, subject to the approval of the Director of Community and Cultural Affairs.

7. To cooperate with other departments and divisions of the Executive Branch in meeting the Constitutional mandates and the policies established by law with respect to arts and culture.

8. Recommend rules and regulations to the Director of Community and Cultural Affairs for art and cultural programs. Such rules and regulations shall be adopted in accordance to Title 17 of the Trust Territory Code.

9. The members of the Council shall not receive compensation for their services, but shall be reimbursed for necessary travelling and other expenses incurred in the performance of official Council duties.

Section 2.

A. There is hereby created, within the Department of Community and Cultural Affairs, an Office of the Commonwealth Arts and Culture which shall be headed by an Executive Director appointed as provided herein, who shall have supervision of the day to day administration and management of the Office subject to the approval of the Council, in accordance with applicable administrative procedures and requirements as provided by law and the general policies of such Department as established by its Director.

B. The Office shall promote, encourage and solicit funds for the Council from private and public sources.

C. The Executive Director may be delegated by the Director of Community and Cultural Affairs to act as a Contracting Officer on behalf of the Office.

D. The Executive Director acting for the Office shall additionally have the following authorities and responsibilities upon approval by the Council and under the general supervision of the Director of Community and Cultural Affairs:

1. To act as the Commonwealth designated agency for the purpose of applying for and receiving federal assistance programs which would preserve, maintain or restore arts and culture (except historical preservation and landmark conservation) interests of the Commonwealth. In this respect, the agency is designated as the sole agency for administration of a state plan for programs of the National Endowments for the Arts and the Humanities.

2. To accept, on behalf of the Commonwealth, any funds granted or appropriated by U. S. Congress or the United States Government, or from Commonwealth sources or individuals whomsoever, and, to accept any gifts, donations, contributions, or bequests from whatsoever source for all or any of the purposes of this Order with the approval of the Director of Community and Cultural Affairs. Funds given, granted or paid to the Council pursuant to this paragraph, other than those funds appropriated or designated by the Commonwealth, shall be kept and held as trust funds for the purposes stated, not as general funds of the Commonwealth, unless so authorized by law, and may be expended at the direction of the Council, subject to the concurrence of the Director of Community and Cultural Affairs, until exhausted. Any funds received by the Council, directly or indirectly, from any admission charge, fee or donation, shall be deposited into the general fund in a restricted account and shall be available for appropriation to the Council to be used only for the purposes of assisting the Council to develop high standards of artistic and humanitarian excellence or encourage greater appreciation of the arts and humanities by the people of the Commonwealth, provided that said funds shall be deemed available to the Council for the purpose of any matching requirement imposed on the Council.

3. To maintain offices to conduct its operations and to enter into contracts to facilitate carrying out its programs.

4. To request assistance from other Commonwealth departments and agencies and other instrumentalities in carrying out its duties and responsibilities.

5. To hold hearings, conduct arts and culture-related surveys and research, and contract services which are deemed necessary, desirable, and proper to carry out effectively and efficiently the purposes of this Order.

6. To advise and consult with and to enter agreements with individuals, organizations, foundations, corporations, States of the United States, other governments and with Commonwealth and United States departments and agencies on methods and specific plans and programs by which to coordinate, expand and assist existing resources and facilities with the purpose of fostering artistic and cultural endeavors toward the use of arts and culture in the best interest of the Commonwealth.

7. To have and exercise such other powers as may be reasonably necessary to implement the purposes of the Order and as delegated by the Council and the Director of Community and Cultural Affairs.

8. To encourage and assist freedom of artistic and cultural expression, without any form of censorship, essential for the well-being of artistic and cultural preservation; to assist communities, villages and organizations within the Commonwealth in preserving, originating and creating cultural and artistic programs, considering education and training in connection therewith.

9. To request and accept the use of available resources of other departments of the Commonwealth as well as States and the United States of America and other governments to insure that the arts and culture shall continue to grow and play a significant part in the Commonwealth.

Section 3.

Not later than sixty (60) days after the close of the Commonwealth fiscal year, the Council shall make an annual written report of its activities to the Governor, President of the Senate, Speaker of the House, and to such other agencies of government (including the National Endowments for the Arts and for the Humanities) as may be required.

Section 4.

If any provision of this Order and rules and regulations adopted pursuant hereto, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or application of this Order which can be given effect without the invalid provision or application, and to this end the provisions of this Order are declared to be severable.

Section 5.

This Executive Order shall become effective upon signature of the Governor.

Date:

10/27/81

CARLOS S. CAMACHO
Governor

