



## COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Benigno R. Fitial**  
Governor

**Timothy P. Villagomez**  
Lieutenant Governor

### **EXECUTIVE ORDER NO. 2007 - 008**

**SUBJECT:** Commonwealth Council for Arts and Culture

**AUTHORITY:** Executive Order 26 dated October 27, 1981, By-laws of the Commonwealth Council for Arts and Culture (Amended and adopted January 3, 1995)

WHEREAS, on October 27, 1981, Executive Order No. 26 ("EO 81-26") created the Council for Arts and Culture (hereinafter referred to as the "Council") within the Department of Community and Cultural Affairs;

WHEREAS, the Council's membership composition and duties as outlined below pursuant to Section 1 of EO 81-26 include the following:

#### Section 1.

- A. The Council shall be composed of eleven (11) persons, broadly representative of the Arts and Cultures of the Commonwealth, resident of the Northern Marianas 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 (3) years; Provided, that of the members first appointed, three (3) shall be appointed for one (1) year, four (4) shall be appointed for two years, four (4) 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. As member may succeed himself or herself once, but is not eligible for reappointment during the two year period following the expiration of his or

her second term. Any member who shall have two consecutive unexcused absences from the 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 head of the Community and Cultural Affairs for his/her concurrence and then transmitted to the governor; provided that, if the head of the 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 head of the Community and Cultural Affairs and set the annual compensation including benefits for the Executive Director. The council shall remove such Executive Director, after consultation with the head of the Director of Community and Cultural Affairs and only with cause. Public law 1-9 shall apply not with standing the provision of the 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 consultation of the Secretary 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 Secretary of the Community and Cultural Affairs for art and cultural programs.
- E. The members of the Council shall not receive compensation for their services, but shall be reimbursed for necessary traveling 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 the head of the department.
- 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 head of the 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 head 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 land mark 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.
  2. To accept, on behalf of the Commonwealth, any funds granted or appropriated by U.S congress or the United States Government, gifts, donations, contributions, or bequests from whatsoever source for all or any of the purpose of this order with the consultation of the head of the Department 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 head of the Department of Community and Cultural Affairs or designees, 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 humanistic 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 operation 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 purpose of the order and as delegated by the Council and the head of the Department 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, village and organizations within the Commonwealth in preserving, originating and creating cultural and artistic programs, considering education and training.
9. To request and accept the use of available resources of other departments of the Commonwealth as well as the States and the Unites 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 such other agencies of government (including the National Endowment for the Arts) 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.

WHEREAS, the current Council is composed of ELEVEN (11) members;

WHEREAS, the current Council in their official capacity may at times have an interest in a certain grant award, causing the Council to become biased and/or causing the Council members to bargain with each other;

WHEREAS, It is the intent of this Executive Order to minimize the number of members who may have an interest in grant awards; and

WHEREAS, the total number of Council members currently established is excessive;

NOW, THEREFORE, to conduct council's duties fairly and objectively, it is hereby

ORDERED:

That the number of Council members be reduced to seven (7). The members shall include the following:

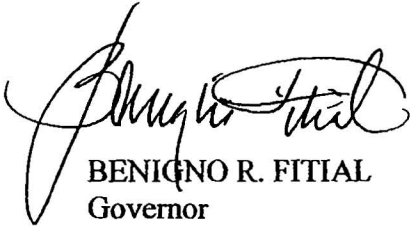
- 1) One female member
- 2) One member of Carolinian descent
- 3) One member from the first and second Senatorial district
- 4) Three citizen members of the CNMI appointed in accordance with Public Law 1-8.

The members shall serve a term of four (4) years, shall be non-government employees, board members, agents, or elected officials and shall be appointed by the Governor in accordance with Public Law 1-8.

IT IS FURTHER ORDERED:

That members shall not have any direct interest in grants managed under the Council. They may not be employed by, affiliated with, or involved in an agency, department, or group that is an applicant for grants maintained by the Council.

Done this 31<sup>st</sup> day of January, 2007

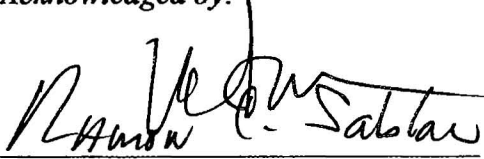


BENIGNO R. FITIAL  
Governor

**ACKNOWLEDGMENT OF RECEIPT OF HAND-DELIVERED DOCUMENTS  
OFFICE OF THE GOVERNOR  
OFFICE OF PROGRAMS & LEGISLATIVE REVIEW**

1. Transmitting **EXECUTIVE ORDER #2007-008**: Commonwealth Council for Arts and Culture.

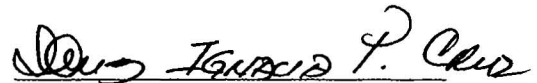
*Acknowledged by:*



*Signature/Print Name*  
*Senate President's Office*

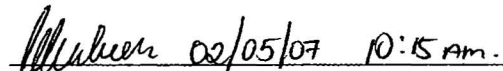
*Date/Time: 2-5-07 / 10:15a.m.*

*Acknowledged by:*



*Signature/Print Name*  
*Speaker of the House*

*Date/Time: 2/5/07 12:15 Pm*



*Signature/Print Name*  
*Office of Programs & Legislative Rev.*

*Date/Time: 02/05/07 10:15pm.*