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**IDAPA 40
TITLE 01
CHAPTER 01**

**IDAPA 40 - IDAHO COMMISSION ON THE ARTS
40.01.01 - RULES OF THE IDAHO COMMISSION ON THE ARTS**

000. LEGAL AUTHORITY.

In accordance with Section 67-5602, Idaho Code, the duties of the Idaho Commission on the Arts shall be: To stimulate and encourage throughout the State the study and presentation of the performing and fine arts and public interest and participation therein; To make such surveys as may be deemed advisable of public and private institutions engaged within the state in artistic and cultural activities, including, but not limited to, music, theater, dance, creative writing, painting, sculpture, architecture, and allied arts and crafts and to make recommendations concerning appropriate methods to encourage participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the State; To take such steps as may be necessary and appropriate to encourage public interest in the cultural heritage of our State and to expand the State's cultural resources; To encourage and assist freedom of artistic expression essential for the well-being of the arts. (11-14-93)

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 40.01.01, "Rules of the Idaho Commission on the Arts", Title 01, Chapter 01. These rules constitute the minimum style, format and numbering requirements for administrative rules in Idaho. (11-14-93)

002. -- 006. (RESERVED).

007. OPEN MEETINGS.

This agency operates pursuant to the Idaho Open Meetings Law, Sections 67-2340 through 67-2347, Idaho Code. (11-14-93)

008. PUBLIC RECORDS.

This agency operates pursuant to the Idaho Public Records Act, Sections 9-337 through 9-348, Idaho Code. (11-14-93)

009. -- 099. (RESERVED).

100. MEMBERSHIP.

01. Members. The governing board of the Commission shall consist of thirteen (13) members, representative of the public, Idaho's ethnic and cultural diversity, the various fields of the performing and fine arts, and all geographic areas of the state. (11-14-93)

02. Appointment. Each member shall be appointed by the governor from among citizens of the state who are widely known for their interest, competence, and experience in the performing and fine arts. In making such appointments, due consideration shall be given to the recommendations made by representative civic, educational and professional associations and groups concerned with or engaged in production or presentation of the performing and fine arts generally (minority representation). (11-14-93)

03. Term. The term of office of each member shall be four (4) years. All vacancies shall be filled for the balance of the unexpired term in the same manner as original appointments. Not more than four (4) terms expire in any one (1) year. (11-14-93)

04. Leadership. The governor shall designate a chairman and a vice chairman from the members of the commission to serve as such at the pleasure of the governor. (11-14-93)

05. Compensation. The members of the commission shall be compensated as provided by Section 59-509(b), Idaho Code. (11-14-93)

101. -- 199. (RESERVED).

200. EMPLOYEES -- EXECUTIVE DIRECTOR DUTIES.

01. Employment. The commission shall employ, and at pleasure remove, an executive director. The executive director shall be the chief executive officer of the commission and shall have general supervision over the affairs of the commission and over its professional staff, subject, however, to the direction and control of the members of the commission and its chairman. (11-14-93)

02. Hire and Terminate. It is designated as the responsibility of the executive director to hire and/or terminate all employees of the Commission. (11-14-93)

03. Other Employees. The executive director may, subject to the approval of the commission, employ and remove any consultants, experts or other employees as may be needed. (11-14-93)

04. Contracts. The executive director may sign and execute, in the name of the commission, any contracts or other documents authorized by the Commission or by the executive committee, except where expressly forbidden to do so by legislative act and except in cases where the signing and execution thereof shall be expressly delegated by the members of the commission to some other officer or agent, and in general shall perform all duties incident to the Office of the Chief Executive Officer of the Commission and such other duties as may from time to time be required by the commission. (11-14-93)

05. Staff. The executive director shall, whenever it may be necessary, in his opinion, prescribe the duties of any subordinate staff whose duties are not otherwise defined. (11-14-93)

06. Rule-Making. Certify and file with the Secretary of State, state of Idaho, an original and copy of these Rules and any amendments thereto. (11-14-93)

07. Minutes. Keep at the principal office of the commission or such other place as the members of the commission or the chairman may direct, a book of minutes of all meetings of the commission with the time and place, whether regular or special, the notices thereof, and the names of those present at the meetings, copies of which minutes shall be mailed to each member after the meeting. (11-14-93)

08. Notices. See that all notices are duly given in accordance with the provisions of these Rules as required by law. (11-14-93)

09. Custodian. Be custodian of the records of the commission. (11-14-93)

10. Document Maintenance. See that the books, reports, statements and all other documents and reports required by law are properly kept and filed. (11-14-93)

11. Records. Exhibit at all reasonable times, to any member of the commission, upon application, the records of the proceedings of the members. (11-14-93)

12. Other. In general, perform all duties of the office of executive director and such other duties as may from time to time be required of the director by the members. (11-14-93)

13. Accounting. Keep an accurate record and necessary books for the proper accounting of all expenditures of the commission. (11-14-93)

14. Financial. Prepare such financial reports and statements as required by the National Endowment for the Arts and the state of Idaho. (11-14-93)

201. -- 299. (RESERVED).

300. COMPENSATION.

01. Director. The salary of the executive director shall be established by action of the commission. (11-14-93)

02. Other Employees. Salaries of all other employees of the commission shall be established by the executive director and shall, in general, be in accordance with those set in the classification and pay plan under the state of Idaho merit system law. (11-14-93)

301. -- 399. (RESERVED).

400. MEETINGS.

01. Meetings Held. The regular meetings of the Idaho Commission on the Arts shall be held at least twice annually. (11-14-93)

02. Location. The regular meetings of the commission shall be held at any place within the State designated by the chairman. Special meetings shall be held at the place designated in the notice of such meetings and all meetings shall be valid wherever held. (11-14-93)

03. Notice. Notice of each meeting of the Commission shall be given at least thirty (30) days prior to the date thereof by mailing a copy of the notice to each member at his last known residence. Each notice shall specify the place, the day, the hour of the meeting, and, in the case of special meetings, the nature of the business to be transacted. (11-14-93)

04. Public Comments. Members of the public may be permitted to speak before the Commission upon making official request to the Chairman before adjournment. (11-14-93)

401. -- 499. (RESERVED).

500. VOTING RIGHTS.

01. Chairman. At every meeting, the chairman of the commission, or, in his absence, the vice-chairman, may act as chairman. In the absence of the chairman and vice-chairman, the chairman may appoint another person to act as Chairman Pro-Tem. (11-14-93)

02. Majority. A simple majority of the members of the Idaho Commission on the Arts shall constitute a quorum for the transaction of business and when a quorum is present, business may be transacted upon a simple majority vote of the members present at such meeting. In the absence of a quorum, any meeting may be adjourned by a vote of the majority of the members present thereat but no other business may be transacted. (11-14-93)

03. Vote. Each member of the commission shall be entitled to one vote on any matter of business before the commission and voting rights may not be exercised by proxy. (11-14-93)

501. -- 599. (RESERVED).

600. COMMITTEES.

01. Executive Committee. There shall be an executive committee of the Idaho Commission on the Arts and such other standing committees as the chairman may from time to time determine. (11-14-93)

02. Members. The executive committee shall be appointed annually at the first regular meeting of the commission following the end of the year, or at the pleasure of the chairman, and shall consist of the chairman of the commission, the vice-chairman of the commission and three members, in addition to the chairman and vice-chairman. (11-14-93)

03. Powers. The executive committee shall, during the interval between meetings of the commission, possess and exercise all of the powers of the commission except as to such matters as the commission has by resolution expressly reserved to itself. (11-14-93)

04. Records. The executive committee shall keep full and accurate records and accounts of its proceedings and transactions. All action by the executive committee shall be reported to the commission at its

meeting next succeeding such action and shall be subject to revision and alteration by the commission. (11-14-93)

05. Chairman. The chairman of the commission shall be the chairman of the executive committee. (11-14-93)

06. Meetings Held. Meetings of the executive committee shall be held on the call of any member of the committee, but the committee shall be deemed to be in continuous session between called meetings, and may act upon the vote of its members taken by telephone, telegraph or otherwise, and duly recorded. (11-14-93)

07. Vacancies. A vacancy occurring in the executive committee shall be filled by the chairman at its next meeting. (11-14-93)

08. Rules. Committees may make such rules as from time to time they may deem proper for their own government and for the transaction of business for the commission and shall mail a written report of significant actions to the commission members as soon after they are taken as conveniently may be. (11-14-93)

09. Standing Committee. Any vacancy in a standing committee shall be filled by the chairman. (11-14-93)

10. Quorum. Three (3) shall constitute a quorum and the committee may act upon the majority vote of its members. (11-14-93)

11. Ex-Officio Members. The chairman of the commission and the executive director serve as ex-officio members of all committees. (11-14-93)

601. -- 699. (RESERVED).

700. REPORTS.

The Idaho Commission on the Arts shall report biannually to the Governor and the Legislature of the state of Idaho on the state of the arts. It may also publish other reports or studies on matters affecting the state of the arts in the growth and development of the state of Idaho. All such reports shall be provided to the Governor, and upon request, to the general public. (11-14-93)

701. -- 899. (RESERVED).

900. CONSIDERATION OF PROJECT APPLICATIONS.

The Commission cannot consider applications from any school, organization, or individual without a properly signed and completed application form, provided by the Commission, filed with the Commission by the published postmark deadline. (11-14-93)

901. -- 999. (RESERVED).