

# Delaware State Arts Council

## Self-Report



*Respectfully submitted to the  
Joint Legislative Oversight and Sunset Committee  
June 2022*

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## **ABOUT JLOSC AND THE REVIEW PROCESS**

The Joint Legislative Oversight and Sunset Committee (“JLOSC” or “Committee”) is a bipartisan body comprised of 5 members of the Senate appointed by the President Pro Tempore and 5 members of the House of Representatives appointed by the Speaker of the House.

JLOSC completes periodic reviews of state supported entities such as agencies, commissions, and boards following statutory criteria under [29 Del. Code, Chapter 102](#). The review’s purpose is to determine the public need for the entity and whether the entity is effectively performing to meet the need. The goal of the review is to provide strength and support to entities that are providing a state recognized need.

JLOSC performs its duties with support provided by the Division of Research’s dedicated and nonpartisan staff. JLOSC staff completes a performance evaluation of the entity under review and submits a Staff Report to JLOSC which includes analysis, key findings, and recommendations. Recommendations are not finalized until reviewed, discussed, and adopted by JLOSC with an affirmative vote of 7 members. In February 2023, JLOSC staff will schedule a presentation meeting for each entity under review to present to the Committee. For additional review information, please visit the Committee’s website at <https://legis.delaware.gov/Committee/Sunset>.

## **ABOUT THIS SELF-REPORT**

The JLOSC statute requires the entity under review to supply information and materials to facilitate a legislative oversight and sunset review. Additionally, the entity under review has the burden of showing, through the statutory review criteria, that there is a genuine public need and that the entity is meeting that need.

JLOSC staff supplies each entity under review with a Self-Report template and instructions. All questions appearing in this Self-Report are from the JLOSC staff created *JLOSC Performance Review Questionnaire* (“questionnaire”) and are the same for each entity under review. All questions appearing in the questionnaire use statutory review criteria. Throughout the questionnaire, the use of the broad term “entity” refers to the entity under review, which may be a board, committee, commission, or council. The entity under review supplies review information by completing this Self-Report and is responsible for its contents and for forwarding all updates or corrections to JLOSC staff in a timely manner during the entire review period.

JLOSC staff will not edit or modify the information received in this Self-Report and only checks for completeness and adherence to instructions. JLOSC members will receive completed Self-Reports and updates directly from their staff. The Committee’s website will include electronic copies of all Self-Reports and any updates received from entities under review.

# JLOSC PERFORMANCE REVIEW QUESTIONNAIRE

## **SECTION 1: ENTITY HISTORY, PURPOSE, AND FUNCTIONS**

### **Section 1-A. Please provide a summary of the entity's history. Highlight any key events.**

Executive Order Number Three, issued on March 31, 1969, established a Delaware State Arts Council. The Executive Department felt that the general welfare of Delaware citizens would be promoted by giving further recognition to the arts as a vital part of our cultural heritage, and a valued means of improving our educational programs. It was felt that exposure to excellence in the arts improves the quality of life and inspires our children and our schools to reach for excellence in all fields of personal endeavor. The Council consists of at least fifteen members broadly representative of all fields of the performing and fine arts, appointed by the Governor for a term of three years, excepting the chairman who serves at the pleasure of the Governor. The duties of the Council are to promote and encourage public interest in the cultural heritage of our state; to expand the state's cultural resources and to promote public education in all fields of artistic expression; to encourage, promote and provide technical and professional assistance to arts programs of individuals, organizations and institutions; to make recommendations to public and private artistic and cultural institutions concerning appropriate methods to encourage participation in and appreciation of the arts to meet the needs and aspirations of persons in all parts of the state and to assist such institutions in adopting a view of mutual promotion of the arts; and to study and make recommendations for legislation to the Governor regarding the permanence of the Council. The Council is authorized to accept private and public gifts, contributions and bequests to further the objectives of their programs. In addition, it may request and receive assistance in carrying out its functions from any State agency. The Council is the official state agency to administer all funds received from the National Endowment for the Arts.<sup>1</sup>

In 1978, in order to incorporate the arts program more directly into the structure of government, a later more recent executive order transferred the administrative responsibilities of the Arts Council to the Division of Historical and Cultural Affairs. The Council advises the Division on programs and concerns of the arts and approves or disapproves all grants of public or private funds received by the Division relating to the arts. The Division's responsibilities include providing technical and professional assistance to arts programs of individuals, organizations, and institutions of the state; and receiving gifts, contributions, and bequests from the private or public sectors and appropriations and grants from the National Endowment for the Arts or other government agencies for the purpose of promoting and encouraging the arts. In addition, the Division took over the administrative and budgetary responsibilities of the Council. The arts program and the staff of the Arts Council became known as the Office of the Arts of the Division of Historical and Cultural Affairs.<sup>2</sup>

The State Arts Council experienced major reorganization in 1989. In that year the Division of the Arts was created within the Department of State as an advisory, coordinating, and implementing agency for the promotion of the arts in Delaware. The 1989 legislation also requires the division director to establish a special fund to encourage governmental entities and private organizations in the development of the arts. The Division continues to exercise the same functions as the office of the arts had done, while the State Arts Council was given a more clearly defined

advisory role. The council now provides guidance to the division director on matters of arts policy and considers matters referred to it by the Governor, Secretary of State and the division director. The council continues to be composed of fifteen members appointed by the Governor for three-year terms. HB 331, 135th General Assembly.

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## DELAWARE STATE ARTS COUNCIL

<sup>1</sup> 57 D.L., ch. 797.

<sup>2</sup> duPont Executive Order # 50.

jmm/April 26, 1988; June 13, 1988; December 30, 1988; June 1, 1989; August 7, 1989

### **Section 1-B. What are the main functions of this entity? Does this entity issue any advisory or policy opinions? If so, where can they be found?**

The council now provides guidance to the Division of the Arts Director on matters of arts policy and considers matters referred to it by the Governor, Secretary of State and the Division Director. The Council's business is recorded at each quarterly meeting and any advisory or policy opinions are considered by the Division Director.

### **Section 1-C. What condition(s), situation(s), and/or problem(s) existed prior to the creation of this entity that directly led to its creation? Please provide specific examples.**

Before the Council was created, there was no agency that supported Delaware artists and arts organizations or was responsible for sub-granting federal funding for the arts. Once the Division of the Arts was created, the Council took on the public oversight/advisory role to the agency.

### **Section 1-D. To what extent has the existence and functioning of this entity alleviated each of these condition(s), situation(s), and/or problem(s)? Please provide specific examples.**

The Council has the responsibility of advocating for the arts to help ensure funding is maintained and advising the Division of the Arts on financial and administrative decisions. The Council is a part of the grant application review process and has oversight of the annual grant funding approval decisions as a citizen review body with representation from across the state.

### **Section 1-E. Would the condition(s), situation(s), and/or problem(s) described in question "1-C" above recur or worsen, in the absence of the entity?**

Yes, in the absence of the Council, there would be no public oversight or approval of the grant allocations decisions supported by state and federal funding received by the Division of the Arts.

### **Section 1-F. Are there any recent condition(s), situation(s), and/or problem(s) that further justify the need for the entity's existence?**

The council provides public oversight for the Division of the Arts in determining grant funding. There is currently a greater need for diverse, public oversight and advisement by the Council to adhere to the Division's strategic planning goals of inclusion, diversity, equity, and access to arts funding across Delaware.

**Section 1-G. Are there any functions of this entity that are outdated and no longer needed? If so, please explain and provide examples.**

No.

## **SECTION 2: MISSION, GOALS, OBJECTIVES, & AUTHORITY**

**Section 2-A. What is the mission of this entity? Does the enabling legislation accurately reflect the mission?**

As the advisory body for the Division of the Arts, the Arts Council shares the same mission, goals, and objectives as the Division. The mission as stated in the current strategic plan, *Cultivating Creativity 2021-2025*, is that we are committed to supporting the arts and cultivating creativity to enhance the quality of life in Delaware. The Council played an integral role in the development of *Cultivating Creativity* as well as all previous strategic plans. The enabling legislation reflects the mission stated above.

**Section 2-B. Please identify and explain the entity's goals and objectives, in order of priority.**

The Council assists the Division in carrying out the following goals and objectives from *Cultivating Creativity 2021-2025*:

OUTCOME 1 Quality arts education experiences for all

- Improve access to arts education experiences through focused funding initiatives
- Encourage exposure to diversified arts experiences (in and out of school)
- Engage higher education to enhance professional development opportunities for teaching artists and arts educators
- Increase the number of schools to apply for and receive Artist Residencies and Education Resource grants
- Collect data to confirm arts education resources are aligning with art experience needs

OUTCOME 2 A healthy arts ecosystem where artists are supported and connected, and arts organizations are financially sustainable

- Evaluate and revise the Division's grantmaking process to create equitable opportunities for funding across the spectrum of arts organizations and presenters
- Enhance artists' career-building skills by facilitating artist connections and providing training opportunities
- Partner with Delaware Arts Alliance and other community groups to encourage greater participation and investment in the arts in Delaware by government, businesses, foundations, and individuals
- Encourage greater collaboration among arts organizations and artists statewide
- Expand partnerships with local municipalities to increase creative placemaking activities

OUTCOME 3 Artists, arts organization staff, and arts programming reflect the diversity of our communities

- Identify new grant opportunities that encourage artistic expression and access to art forms that celebrate diverse cultures, including folk, contemporary, and traditional arts
- Provide funding and training for arts organizations to improve accessibility for individuals with disabilities
- Support art experiences for life-long learners, older adults, and veterans
- Invest in practices to build capacity, diversity, and inclusion in arts organizations

OUTCOME 4 Division grants and services are recognized statewide by all, particularly by artists, organizations, and community leaders

- Expand outreach to encourage BIPOC artists and arts organization leaders to engage with the Division’s programs and grant opportunities
- Build awareness of, and support for, new and diverse modes of creative expression through the arts
- Increase Division participation in local community events
- Launch a public awareness campaign focused on Division programs, resources, and services

**Section 2-C. Please describe the internal performance evaluation system that the entity uses to measure the attainment of its goals and objectives.**

Performance measures include the review of data collected by the Division that marks progress in the four Outcomes such as increased availability of arts education experiences and arts educators, increased grant funding, increase in number and diversity of new grantees, recognition of the arts as a catalyst to community well-being and growth, greater diversity in arts organizations and increased access to culturally diverse art forms, expanded geographic reach of funding, and increased public awareness of Division grants and services.

**Section 2-D. Does the entity collect any data sets? If so, please identify and explain.**

No, the Division of the Arts collects financial, marketing, participation, and demographic data that is shared with the Arts Council.

**Section 2-E. Does the entity conduct any research? If so, please explain and provide the location of research reports (if produced).**

No, the Arts Council assists with research projects conducted by the Division such as arts and economic impact reports conducted approximately every four years in collaboration with the National Assembly of State Arts Agencies and Americans for the Arts. Council members reach out to arts organizations and assist in the collection of arts audience survey data.

**Section 2-F. Has the State Auditor or any other external organization recently audited and/or evaluated the entity or any of its programs? Please identify some of the major conclusions and/or recommendations. Provide links to all reports.**

No.

**Section 2-G. In general, how do other states carry out similar functions?**

Arts Councils/advisory bodies are present in states and territories with state arts agencies in 56 states and US territories.

**Section 2-H. Are the entity’s functions similar or overlapping of other state or federal entities? If so, discuss how the entity coordinates its services with other state or federal bodies sharing similar objectives. Please explain why the functions are best placed within this entity or why they should be placed elsewhere.**

No.

**SECTION 3: ACCOMPLISHMENTS**

**Section 3-A. List and briefly explain the entity’s most significant accomplishments.**

Approve annual arts grant funding since 1969

- annual meeting in June to review and approve grant funding allocations to arts organizations, community organizations, and schools
- Advise on creation of Division of the Arts strategic plans since 1989
  - join Division staff in crafting plan based on public input through surveys, mtgs., and focus groups approx. every 4-5 years
- Advocate for the arts at the state and federal level annually
  - communicate with local and state government; attend Arts Advocacy Day in Washington, D.C. annually
- Guide production of Governors Awards for the Arts awards process and events (approx. one event per term of governor)
  - participate on awards selection committee; assist with design and promotion of event
- Participate on Division employee interview teams
  - a Council member is a part of every interview and new employee selection team for the Division

## **SECTION 4: CHALLENGES**

### **Section 4-A. List and briefly explain 3 to 4 challenges the entity is currently facing.**

Increasing funding for the arts in Delaware

- advocating for state arts funding and necessary increases to continue to provide support for arts programming, arts creation, and arts education throughout Delaware

Ensuring equity in distribution of funds for the arts

- in accordance with the Division's strategic plan, ensure that funding is meeting the needs of Delaware's arts community and that funding is also allocated based on the principles of inclusion, diversity, equity, and access

Diversity of Council members and statewide representation

- strive to make Council membership representative of both the demographic and geographic diversity of the state

## **SECTION 5: OPPORTUNITIES FOR IMPROVEMENT**

### **Section 5-A. List and briefly explain several opportunities for improvements. Please prioritize.**

More robust membership recruitment

- increase the awareness of Council and Council membership through marketing channels and personal contact to attract more interest and representation from diverse candidates and those with experience in underrepresented or new and evolving art forms or activities.

### **Section 5-B. In the past 5 years, has the entity recommended any changes to the Legislature, Governor's Office, or other State agency to improve the entity's operations? If so, please explain and provide the outcome or current status?**

No.



## **SECTION 6: COMPOSITION & STAFFING**

### **Membership:**

**Section 6-A. How is entity membership defined? Please explain and provide the section(s). Examples include statute, regulations, or by-laws.**

<https://delcode.delaware.gov/title29/c087/sc01/index.html#8728>

Title 29 § 8728. Division of the Arts — The Delaware State Arts Council.

(a) The Delaware State Arts Council is hereby established for the purpose of promotion and encouragement of the arts and shall provide guidance to the Director on matters of arts policy and shall consider such other matters as may be referred to it by the Governor, by the Secretary of the Department or by the Director. The Council may study, research, plan and advise the Director, the Secretary and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(b) The Delaware State Arts Council shall be composed of Delaware citizens broadly representative of all fields of the performing and fine arts known for their interest in these areas appointed by the Governor. Each such citizen shall serve as a member of the Delaware State Arts Council for the period of the unexpired term unless the member vacates the position by resignation, death or incapacity. The Council shall be composed of not more than 15 members. When the number of members has been reduced to less than 15 by reason of the expiration of terms, resignation, death or incapacity, the Governor shall appoint new members. The terms of newly appointed members will be staggered so that no more than 1/3 will expire annually. All new appointees shall serve for a term of 3 years and no member shall serve more than 2 consecutive terms.

(c) The Governor may appoint members for terms of less than 3 years to ensure that the Board members' terms expire on a staggered basis.

(d) Members of the Council and Chairperson shall serve without compensation, except that they may be reimbursed for reasonable and necessary expenses incident to their duties related to the Council.

(e) A Chairperson of the Council shall be designated in addition to the members of the Council by the Governor and shall serve in that capacity at the pleasure of the Governor.

(f) Any appointment, pursuant to this section, to replace a member whose position becomes vacant prior to the expiration of a member's term shall be filled only for the remainder of that term.

### **Section 6-B. Are there special qualifications for membership?**

The Arts Council is composed of Delaware community members with diverse backgrounds and expertise with involvement and/or interest in the arts.

### **Section 6-C. Who has member appointment authority? Where is this defined?**

The Governor appoints council members from candidates recommended by the Secretary of State and the Director of the Division of the Arts. The Governor's authority to appoint members is in the enabling legislation.

**Section 6-D. What is the designated term of office for entity members? Where is this defined?**

The enabling legislation describes terms of three years which can be extended at the Governor's discretion or until a new member has been appointed.

**Section 6-E. How many members currently serve on this entity? Are there any vacancies? If so, indicate the length of time each vacancy has existed and the reasons why. Has the entity or support staff advised the Governor's Office or appointing authority of the vacancies?**

The Arts Council is composed of fifteen members and a Chair. Currently, there are no vacancies.

**Section 6-F. Can this entity create subcommittees or task forces? If "yes" please address the following questions:**

No.

- 1. Describe the process and site the entity document (statute, regulations, or by-laws) that permits this.**
- 2. Provide a brief history on how many have been created in the past 5 years and indicate where meeting documents can be found.**
- 3. If final reports were issued, please provide their location.**
- 4. If there are current subcommittees or task forces currently meeting and conducting business; include information on membership, duties, and where meeting documents can be found.**

**Section 6-G. Include a current membership roster with this Self-Report. This is a separate request from the list of supporting documents included in the Self-Report instructions. This current membership roster must indicate the following for each member:**

- First and last name, and their city and state of residence.**
- Position held (i.e., Chair, President, Co-Chair, Secretary, etc.).**
- Professional or public member.**
- Their profession or occupation.**
- Original appointment date, expiration date, and number of terms served.**

**To satisfy this current membership roster request, please complete one of the following:**

- Complete the included table below.**
- Delete the included table below, build a new table, and place in this section.**
- Delete the included table below and attach a document to the Self-Report and label in the appendices section.**

Member's Name	City	State	Position Held	Professional or Public Member	Profession or Occupation	Original Appointment Date	Appointment Expiration Date	Number of Terms Served
Jacalyn Beam	Greenville	DE	Member	Public	Professional Artists & Educational Consultant	1/2/2020	1/2/2023	1
Suzanne Burton	Newark	DE	Member	Public	Associate Dean for the Arts Director, Partnership for Arts & Culture Professor of Music Education College of Arts and Sciences, UD	6/11/2021	6/11/2024	1
David Fleming	Wilmington	DE	Member	Public	Nonprofit Arts Leader	12/20/2016	1/2/2023	2
Janis Julian	Wilmington	DE	Member	Public	Retired	12/20/2016	1/2/2023	2
Catharine Lyons	Smyrna	DE	Member	Public	Vice President, Marketing & Development, Modern Maturity Center	6/11/2021	6/11/2024	1
Christopher Moore	Wilmington	DE	Member	Public	Director, Education and Community Engagement, Office of Health Equity, ChristianaCare	1/2/2020	8/10/2021	1
Keith Mosher	Lincoln	DE	Member	Public	Entrepreneur	6/11/2021	6/11/2024	1
John Muller	Dover	DE	Member	Public	Teacher	12/8/2017	3/3/2024	2
Joseph Nestlerode	Townsend	DE	Member	Public	Self-employed artist	10/28/2021	10/28/2024	1
Rosetta Roach	Magnolia	DE	Member	Public	Visual Artist & Author	12/8/2017	4/21/2024	2
Dan Shelton	New Castle	DE	Member	Public	Superintendent of Christina School District	10/27/2017	3/30/2024	2
Leslie Sysko	Wilmington	DE	Member	Public	Director of Executive Communications, Office of the President, DESU	10/28/2021	10/28/2024	1
Joseph Wathen (Chair)	Middletown	DE	<b>Chair</b>	Public	Retired Exexutive for Delmarva Power	2/2/2016	no expiration date	
Hilary Welliver, Ed.D	Dover	DE	Member	Public	County Librarian, Assistant Director of Community Services	10/28/21	10/28/24	1
Gregory Watkins	Middletown	DE	Member	Public	Entrepreneur/Founder, owner of CollegeHipHop.com. Founder, and Co-owner of AllHipHop.com.	5/4/2022	5/4/2025	1
Beverly Zimmermann	Wilmington	DE	Member	Public	Retired - Event Coordination	6/11/2021	6/11/2024	1

**Meeting Frequency:**

**Section 6-H. How frequent are meetings held? Is meeting frequency defined anywhere such as the statute or by-laws? If so, provide document name and section information.**

The Arts Council meets quarterly on the 3<sup>rd</sup> Wednesday of the month beginning with March.

**Section 6-I. Can the entity hold special or emergency meetings? If so, describe the protocol involved in requesting and holding a special or emergency meeting.**

No, the Division of the Arts can convene members or ask for input from members if necessary for advisement on arts related issues.

**Meeting Order and Quorum:**

**Section 6-J. For meeting order, does the entity follow Mason’s Manual of Legislative Procedure or Roberts’ Rules of Order? Is this defined in statute, regulation, or by-laws?**

The Council follows Roberts’ Rules of Order.

**Section 6-K. How is meeting quorum defined and where is the definition located?**

The Council follows Roberts’ Rules of Order and a two thirds majority is required for a quorum.

**Member Removal:**

**Section 6-L. Is there a mechanism for member removal? If so, how are members removed and who has the authority to remove a member? Using the process described, has there ever been an instance of member removal, and if so, briefly describe the nature of events that led to the member removal.**

Members serve at the pleasure of the Governor, so can be removed at Governor’s discretion. No members have had to be removed before their term limit expired.

**Member Compensation:**

**Section 6-M. Are members compensated? If so, how are they compensated?**

Council members receive no compensation. However, the Division provides lunch for members at the Council meetings and travel reimbursement for attendance at conferences/convenings out-of-state.

**Member Training and Handling Conflicts of Interest:**

**Section 6-N. Are members offered any special training opportunities? Is training required or voluntary?**

New members receive introductory orientation and training along with a Council handbook. Council members, particularly the Chair, are invited to attend professional development and training sessions at national conferences held by the National Assembly of State Arts Agencies and Americans for the Arts. These convenings bring together arts council members from across the country to connect, network, and discuss relevant issues.

**Section 6-O. Has a Deputy Attorney General (“DAG”) reviewed the provisions of the Public Integrity Act with entity members to ensure that they are in compliance with the provisions in the law? If so, what is the frequency of this review?**

No.

**Section 6-P. Please explain how entity members avoid conflicts of interest.**

Council members are not allowed to vote on funding recommendations for organizations they are affiliated with. They must submit a conflict of interest form at each grant review meeting.

**Section 6-Q. Has the Public Integrity Commission (“PIC”) provided training or clarification to members or issued any advisory opinions on entity activities? If so, please explain the details. Provide a link to the information or attach relevant information to this report.**

No.

**Support Staff:**

**Section 6-R. Is there dedicated support staff *directly* assisting the entity? If so, what state agency, department, or office supplies the support staff?**

Yes, the Division of the Arts provides a support staff.

- **If this question is applicable answer all questions in this section.**
- **If not applicable, state that no support staff exists for question Section 6-R and explain how duties are divided among members, skip to questions Section 6-Y and Section 6-Z below.**

**Section 6-S. How many employees are employed by the state agency or department supplying support staff? (skip if not applicable)**

The Division has nine employees, with one designated as the administrative assistant for Arts Council business.

**Section 6-T. Does the state agency or department supplying support staff offer internships? If so, do interns provide support services to the entity? (skip if not applicable)**

Yes, the Division offers internships. No, interns do not provide support services to the Council.

**Section 6-U. What is the size of the support staff *directly* assisting the entity? How many are merit, appointed, exempt, temporary, casual seasonal, or contract employees? For contract employees indicate who holds the employment contract. Highlight support staff responsibilities, indicate who performs each and the percent of staff time spent on each responsibility. (skip if not applicable)**

One staff person acts as secretary for the council providing logistical support, transcribing meeting minutes, and handling communications. The staff person is a full-time, merit employee. The percentage of time the employee spends on Council business is approximately 20 percent.

**Section 6-V. Who supervises the support staff *directly* assisting the entity? (skip if not applicable)**

The Director of the Division of the Arts supervises the support staff directly assisting the Arts Council.

**Section 6-W. How is the support staff *directly* assisting the entity recruited and hired? Is there an orientation session for new hires? (skip if not applicable)**

The staff person is hired as an Administrative Specialist for the Division of the Arts via the state's merit employee hiring process. Yes, new hires at the Division of the Arts receive orientation on the Division and the Council.

**Section 6-X. What training opportunities are available to support staff *directly* assisting the entity? (skip if not applicable)**

The staff person completes all trainings required by the state through the Delaware Learning Center. The staff person can attend professional development and training sessions at national conferences held by the National Assembly of State Arts Agencies and Americans for the Arts. These convenings bring together arts council members from across the country to connect, network, and discuss relevant issues.

**Section 6-Y. Is the effectiveness of the entity hindered by a lack of staff assistance or dedicated support staff? Please explain. What steps, if any, have been taken to address any staffing issues? (all entities under review answer this question)**

No.

**Section 6-Z. Please identify, list, and briefly describe any executive orders, interagency agreements, management directives, administrative circulars, or like documents that directly impact the functioning of the entity. (all entities under review answer this question)**

The Division of the Arts staff and Arts Council members are not aware of any executive orders, interagency agreements, management directives, administrative circulars, or like documents that directly impact the functioning of the State Arts Council.

## **SECTION 7: FREEDOM OF INFORMATION ACT (“FOIA”) & OPEN MEETING LAW COMPLIANCE**

**Section 7-A. How does the entity respond to FOIA requests?**

Council members do not respond/handle FOIA requests. FOIA requests are handled by the Division director.

**Section 7-B. When and where are the meeting notices and agendas posted?**

Arts Council meeting notices are posted online on the public meeting calendar and on the door to the Division office at the Carvel State Office Building, Wilmington.

**Section 7-C. Are meeting minutes regularly transcribed? When and where can the public obtain copies of meeting minutes?**

Yes, the meeting minutes are transcribed for every meeting held and uploaded to the public meeting calendar. Copies can also be obtained through requests to the Division.

**Section 7-D. Are meetings recorded? If so, indicate whether it’s an audio or video recording and is the recording posted online for the public? If the recordings are not posted online, are instructions provided to the public on how to request recordings?**

Yes, meetings are recorded via audio and video (started with Covid). Audio and video recordings can be requested through the Division.

**Section 7-E. Within the past 3 calendar years, has the entity conducted executive sessions or other closed meetings? If yes, please indicate the date of each and the nature of the meeting. Are minutes of executive sessions or other closed meetings available to the public?**

No.

**Section 7-F. Has the entity ever received any complaints that it was violating FOIA? If so, please list and include the result of the hearing or the review.**

No.

## **SECTION 8: ADMINISTRATIVE PROCEDURES ACT COMPLIANCE**

### **Section 8-A. Does the entity promulgate rules or regulations in accordance with the Administrative Procedures Act?**

The State Arts Council does not develop or issue any rules or regulations.

### **Section 8-B. Has a DAG assigned to this entity reviewed the current rules and regulations for compliance with the governing statute?**

No, not in the past several years since no changes have been made.

### **Section 8-C. Is the entity considering any changes to its current rules and regulations? If "yes" please address the following questions:**

No.

- 1. What is the status and nature of the planned changes?**
- 2. Have the proposed changes been reviewed and approved by the entity's Deputy Attorney General?**
- 3. Have the proposed changes and the public hearing date been published in the Register of Regulations?**

## **SECTION 9: COMPLAINT AND DISCIPLINARY PROCESS**

### **Section 9-A. Please describe in detail the complaint process utilized to resolve disputes between the entity and the public, including how complaints are filed, who investigates complaints, and how long investigations proceed.**

Any complaints would be filed with the Division of the Arts and would be investigated and resolved by Division Director.

### **Section 9-B. What are some of the most common complaints received by the entity? Please identify where the complaints originate (i.e., public, media, Attorney General's Office, consumer groups, etc.).**

There have not been any complaints filed regarding the State Arts Council of which the Division has been made aware.

### **Section 9-C. Have any complaints been filed with the Attorney General's Office? If so, have they been resolved?**

No.

### **Section 9-D. Are there any Delaware Attorney General's Opinions that affect the functioning of the entity? If so, please provide the date and number.**

No.

### **Section 9-E. Are there any recent judicial decisions (state or federal) that directly affect the functioning of the entity?**

No.

**Section 9-F. What specific disciplinary actions were taken by the entity as a result of complaint investigations? (i.e., license revocation, license suspension, formal reprimand, penalty, etc.).**

Not applicable.

**Section 9-G. Please describe in detail the process utilized for determining appropriate disciplinary actions taken against individuals licensed, employed, or monitored by the entity. Include the appeals process, if applicable.**

Not applicable.

**Section 9-H. If applicable, provide the following complaint data for calendar years 2019, 2020, 2021, 2022 (to date):**

Not applicable.

	Calendar Year 2018	Calendar Year 2019	Calendar Year 2020	Current Calendar Year 2021
Total Number of Complaints Received by the Entity				
Total Number of Complaints Investigated				
Total Number of Complaints Found Valid				
Total Number of Complaints Forwarded to the Attorney General				
Total Number of Complaints Resulting in Disciplinary Action				

## **SECTION 10: PRIOR JLOSC REVIEW**

**Section 10-A. Has JLOSC previously reviewed this entity? If so, provide the year(s) of review and list all JLOSC final recommendations, indicate whether the entity is complying or non-compliant with each recommendation, and explain all areas of non-compliance.**

The JLOSC reviewed the Division of the Arts in 2008, but that review was not specific to the Arts Council.

## **SECTION 11: PUBLIC INFORMATION**

**Section 11-A. How does the entity communicate information with the public? Does the entity use a website and/or social media platform(s)? If so, please list each method of communication and supply the applicable web address, handle, or username.**

The Council does not communicate directly with the public through its own channels. Information about the Council and about Delaware’s arts and culture sector are communicated through the Division’s communications, including:  
Arts E-news – the Division’s electronic newsletter



Arts.delaware.gov—the Division’s website  
 Delawarescene.com—the Division’s cultural calendar  
 Facebook--Delaware Division of the Arts  
 YouTube--Delaware Division of the Arts  
 Flickr--Delaware Division of the Arts  
 Twitter--@ArtsDelaware

**Section 11-B. What information or educational resources are made available to the public relating to the entity’s activities? Examples include newsletters, guidelines, rules and regulations, policy briefs, or other similar documents. Please indicate the method and frequency of distribution for each and identify the target group(s).**

Information related to the Division’s grants and other opportunities and issues that impact the arts and arts education is provided to the public through the Division of Arts website (arts.delaware.gov) and E-news articles.

**Section 11-C. Does the entity actively engage with the public and solicit feedback? If so, please explain. If the entity has conducted surveys, please list all surveys conducted within the past 5 years and indicate where the public can find survey results.**

No.

**Section 11-D. Does the entity have by-laws? If so, are they available for the public (include location) and what was the last date of revision?**

No, not to the knowledge of the Council members or the Division’s staff.

**Section 11-E. Please complete the following 3 charts (add or delete cells as needed) with the most current information regarding interest groups, national organizations, and industry or trade publications as described in each chart heading.**

Interest Groups (Groups affected by entity actions or represent others served by or affected by entity actions)		
Group or Association Name/Contact Person	Internet Address	Phone Number
Name of group		

National Organizations or other State Agencies (Serve as an information clearinghouse or regularly interact with the entity)		
Group or Association Name/Contact Person	Internet Address	Phone Number

National Endowment for the Arts	www.arts.gov	
Mid-Atlantic Arts Foundation	www.midatlanticarts.org	
National Assembly of State Arts Agencies	www.nasaa-arts.org	
Americans for the Arts	www.arts.delaware.gov	

Industry or Trade Publications		
Group or Association Name/Contact Person	Internet Address	Phone Number
Name of group		

**SECTION 12: ENACTED LEGISLATION IMPACTING THE ENTITY**

**Section 12-A. Did legislation establish the entity? If so, what year and by what legislative bill was the entity established?**

On March 31, 1969, Governor Russell Peterson signed executive order number 3 creating the Delaware State Arts Council.

**Section 12-B. Please list all legislation and other acts that have made substantive amendments to the entity’s enabling legislation. Please indicate the bill number and date of enactment for each.**

HB No. 331 in the year 1989 established Delaware Division of the Arts, which changed the functionality of the State Arts Council, making it an advisory body to the Division.

**Section 12-C. Please identify, list, and briefly describe any federal laws or regulations that guide or otherwise directly affect the functions, responsibilities, and operations of the entity.**

Not applicable.

### SECTION 13: PENDING & PROPOSED LEGISLATION

Section 13-A. Please list any currently proposed legislation (state and federal) that, if passed, will directly impact the functions or operations of the entity. Please indicate any bills that the entity is supporting or opposed.

Not applicable.

### SECTION 14: FISCAL INFORMATION

Section 14-A. Complete the following chart to provide the entity’s actual revenue for FY20 and FY21 and budgeted revenue for FY22. Also indicate the source of funds (i.e., general fund, federal funds, special funds, etc.).

Not applicable.

Revenue:

Fiscal Year	Source of Funds	Amount
<b>FY22 (budgeted)</b>		
	General Funds	\$0.00
	Federal Funds	\$0.00
	Special Funds	\$0.00
	<b>TOTAL:</b>	<b>\$0.00</b>
<b>FY21 (actual)</b>		
	General Funds	\$0.00
	Federal Funds	\$0.00
	Special Funds	\$0.00
	<b>TOTAL:</b>	<b>\$0.00</b>
<b>FY20 (actual)</b>		
	General Funds	\$0.00
	Federal Funds	\$0.00
	Special Funds	\$0.00
	<b>TOTAL:</b>	<b>\$0.00</b>

Section 14-B. If the entity receives federal funds, including grants, please indicate the following:

- Total amount of federal funds.
- Type of federal fund.
- State/Federal Match Ratio.
- State Share of Dollars.
- Federal Share of Dollars.

Section 14-C. Does the entity collect any fees or fines? Provide information on any fines or fees collected by the entity:

No.

Description of Fine or Fee	Current Fine or Fee \$\$	Number of Persons or Entities Paying Fine or Fee	Fine or Fee Revenue \$\$	Where is the Fine or Fee Revenue Deposited? (i.e., general fund, special fund)



		<b>TOTAL</b>

**Section 14-G. Within the last three fiscal years, have there been any external factors that have positively or negatively impacted the entity’s revenue or expenditures?**

Not applicable.

**SECTION 15: LICENSING PROCESS**

**Section 15 of the Self-Report may not be applicable. This section will apply if the entity reviews applications and/or issues licenses. If unsure, please contact JLOSC staff.**

- **If this section is applicable, answer all questions in Section 15.**
- **If this section is not applicable, write below that the entity does not review applications or issue licenses, and skip to Section 16.**

Not applicable. The Council does not review applications or issue licenses.

**Section 15-A. Please list each of the licenses, certificates, or approval notices issued by the entity and include the following information:**

- **Indicate how many are currently licensed, and whether an individual or institution receives the license.**
- **Standard date of and requirements for renewal.**
- **Criteria for determining qualifications for licensure.**
- **Period for which a license is valid.**

**Section 15-B. Please provide the following data for each license, certificate, or approval notice issued by the entity during calendar years 2019, 2020, 2021, and 2022 (to date). Include additional charts, if necessary:**

**Name of license issued by the entity:** \_\_\_\_\_

	<b># of License Applications Received</b>	<b># of License Applications Approved</b>	<b># of Licenses Issued</b>	<b># of Licenses Rejected</b>	<b># of Licenses Revoked</b>
<b>Calendar Year 2019</b>	0	0	0	0	0
<b>Calendar Year 2020</b>	0	0	0	0	0

<b>Calendar Year 2021</b>	0	0	0	0	0
<b>Current Calendar Year 2022 (to date)</b>					

Name of license issued by the entity: \_\_\_\_\_

	<b># of License Applications Received</b>	<b># of License Applications Approved</b>	<b># of Licenses Issued</b>	<b># of Licenses Rejected</b>	<b># of Licenses Revoked</b>
<b>Calendar Year 2019</b>	0	0	0	0	0
<b>Calendar Year 2020</b>	0	0	0	0	0
<b>Calendar Year 2021</b>	0	0	0	0	0
<b>Current Calendar Year 2022 (to date)</b>					

**Section 15-C. Do licenses issued by the entity have reciprocity or endorsement agreements with Delaware? If so, provide a list of all states and jurisdictions that have licensing reciprocity or endorsement agreements with Delaware. Indicate if the entity requires a signed agreement or endorsement from another state or jurisdiction before a Delaware license is issued?**

Not applicable.

**Application Fees:**

**Section 15-D. Are any application fees collected by the entity? If so, complete the chart below.**

<b>Fee Type</b>	<b>Application Fee</b>

**Section 15-E. If application fees are collected, when are fees due? Where are fees deposited? What happens if the fee is not paid? Are there any reduced fee options?**

Not applicable.

**Section 15-F.** If application fees are collected, has the entity conducted a financial analysis to determine if the current application fees are sufficient to cover the cost of processing applications? Do the current application fees need to be updated or revised? Please explain, indicating whether the application fees can be changed directly by the entity or if legislative approval is required.

Not applicable.

**Application Process:**

**Section 15-G:** Describe the application review process. Include where applications are obtained. Who reviews applications? How are applicants informed of decisions?

Not applicable.

**Examinations:**

**Section 15-H.** If there is an examination requirement to obtain a license, address the following questions:

Not applicable.

1. Is the examination written, oral, or both?
2. Is a standardized national examination used?
3. Who develops and scores the exam?
4. Are all aspects of the examination validated?
5. Who administers the exam, where is it administered, and how often is the exam given?
6. During each of the previous three calendar years, how many persons sat for an exam, and of those, how many successfully passed?

**SECTION 16: RECONSIDERATION, APPEAL, SANCTIONS, REVOCATION**

**Reconsideration:**

**Section 16-A:** Is there a process for application or entity decision reconsideration (a process prior to a formal appeal, sometimes referred to as an administrative reconsideration)? This could also apply to reconsidering budget decisions made by the entity. If so, please explain.

Not applicable.

**Appeal:**

**Section 16-B:** Can an applicant, group, or individual appeal an entity decision? If so, explain the process for appeal.

Not applicable.

**Sanctions:**

**Section 16-C:** Can the entity issue sanctions? If so, explain the sanction process.

No.

**Revocation:**

**Section 16-D: Does the entity have a revocation process? If so, explain the process.**

No.

**SECTION 17: SELF-REPORT AUTHOR(S)**

**Section 17-A: Include all Self-Report author(s) and contact information below.**

- **All Self-Report author(s) listed below certify the information supplied in this Self-Report is correct to the best of their ability.**
  - **Reminder to entity under review: Any updates or corrections to Self-Report contents and entity information must be submitted to JLOSC staff in a timely manner during the entire period of review.**

Jessica Ball – Division of the Arts Director: [Jessica.ball@delaware.gov](mailto:Jessica.ball@delaware.gov)

Kristin Pleasanton – Deputy Director: [Kristin.pleasanton@delaware.gov](mailto:Kristin.pleasanton@delaware.gov)

Dana Wise – Administrative Specialist/Council Secretary: [dana.wise@delaware.gov](mailto:dana.wise@delaware.gov)

**Section 17-B: This Self-Report was submitted to JLOSC staff on: 6/15/2022**