



**Combined Meeting of the
Utah Arts Advisory Board and the Utah Museums Advisory Board**
September 13, 2023
Draft Minutes
(To be approved 1.11.2024)

Utah Museums Advisory Board:

Sharon Johnson, Chair

Diana Call, Vice Chair

Susan Adams

Robb Alexander

Nichol Bourdeaux - excused

Jessica Kinsey

Laura St. Onge

Amy Jorgensen

Sudha Kargi - excused

Krista Sorenson

LeRoy Transfield - excused

Jenilyn Wilson

Natalie Young

Staff:

Victoria P Bourns, Director

Laurel Cannon Alder, Grants Manager

Em Cebrowski, Program Support Specialist &
Board Liaison

Emilie Starr, Administrative Assistant

Elliott Clark, Attorney General's Office

Staff: Justin Ivie, Racquel Cornali

Utah Arts Advisory Board:

Heidi Prokop, Chair

Kelly Stowell, Vice Chair

Lisa Arnett - excused

Larry Cesspooch

Juan Carlos Claudio

Caitlin Gochnour

I

Opening & Welcome - Sharon Jonson

- Board Roll Call - *Emilie Starr*
Both boards have a quorum present
- Chairs Report | Comments *Heidi Prokop and Sharon Johnson*

Heidi: The division is in the thick of the strategic planning process and it is going very well.

Heidi joined the division's communications strategic initiative and reminded the combined board how important communications is for the division. Heidi also shared that Utah's Poet

	<p>Laureate, Lisa Bickmore, received a \$50K grant to support a project creating chat books and broadsides for Utah students about The Great Salt Lake.</p> <p>Sharon: The American Association for State and Local History Conference was well represented by Utah last week. The division's Museums Services Program Manager, Emily Johnson, led a session and it is wonderful to see the division, partners, and Utah museums representation to the nation.</p>
II	<p>Approval of Minutes - <u>August 18, 2023</u> - Heidi Prokop - Vote by acclamation</p> <ul style="list-style-type: none"> • Utah Arts Advisory Board Minutes from August 18, 2023 - <i>Heidi Prokop</i> Jenilyn Wilson moved to approve the minutes, Krista Sorenson seconded the motion which was unanimously approved. • Utah Museums Advisory Board Minutes from August 18, 2023 - <i>Sharon Johnson</i> Robb Alexander moved to approve the minutes, Jessica Kinsey seconded the motion which was unanimously approved.
III	<p>Investment/Grant Approvals - Sharon Johnson</p> <ol style="list-style-type: none"> 1. <u>General Operating Support Grants</u> <p>Laurel shared a heartwarming story from a project grant recipient about the impact division grants make.</p> <p>Then thanked the Jessica, Robb, Kelly, Diana and Natalie for helping with the General Operating Support (GOS) grant process.</p> <p>In summary, Laurel shared the list of grant recipients noting that we knew there would be cuts and that applicants were told far in advance to expect a 5-10% cut compared to last year's funding. However, more than half of the applicants received no cut or 2-5%. The standard reduction from last year's funds was 8%. Some applicants saw a larger cut due to applicant error (basing their revenue on the most recent year instead of two years in the rear). Laurel mentioned that we worked hard to provide as much stability as possible while considering the total score (the average of 4-5 reviewers), information from Kem Gardner's Institute regarding economic impact and rural location (in alignment with the governor's rural Utah initiatives).</p> <p>Heid asked if the sheet shared was by ranking. Laurel responded that the sheet listed the grantees by budget size not application rank.</p> <p>Laurel shared that two organizations on the list were provided funding through the legislature but that the division wants to retain our relationship, as a result the committee recommended they are each awarded \$25K. Additionally, five organizations that applied for the GOS grant were found ineligible and were asked to apply for the project grant opportunity.</p> <p>One the attached document some organizations have n/a listed next to last year's funding, this is</p>

because they are new to the grant pool. Thirty-three organizations were new to the grant pool this year with a \$400K impact.

The division believes the Governor's Office Of Economic Opportunity (GOEO) will be funding the organizations listed with the GOEO acronym next to their name. As a reminder GOEO was tasked with allocating \$2 million dollars this year that the division would typically grant.

Krist asked if the GOEO organizations will come back to our grant pool in the future. Laurel answered that this is the division's hope but that we will not know until the next session. Vicki mentioned that we want to be part of the cultural community and that even a small amount of funding helps our agency have a stronger relationship and allows us to report their participation with the data we collect for the NEA and NASAA.

Sharon stated that she had not considered how funding going out through GOEO impacts reporting. She also asked if the division's GOS grants are two year grants, while the GOEO funding is one. Laurel confirmed that the GOEO funding is one time and there is no guarantee of future funding.

Caitlin asked if organizations that receive line item funds from the legislature are double dipping and if this will cause a problem. Laurel responded that there is an inclination from the division to be part of all these organizations in some way. The jurors and board oversight of the grant process thought that by awarding these organizations a token amount of money the division could maintain the relationship. Laurel acknowledged the complications.

Sharon asked if these organizations were receiving pass through from the legislature. Laurel responded that the division does differentiate between the grants and organizations receiving capital from the legislature. As follow up Laurel told the board that historically the division made considerations, evaluating how close a project request to the legislature crossed over into our general opportunity. Some of the organizations that receive grant funds do have crossover. For example some of our higher education applicants.

Jenilyn mentioned that in the case of Southern Utah State University legislative funding was specifically earmarked to take a program into highschools to address suicide.

Vicki commented that this is a great conversation and that we have these conversations to give the board an opportunity to disagree with the task force. Vicki said if the board wants to make changes to the recommendations this is the time to do that. Vicki said the discussion is legitimate and it is okay to disagree.

Laura asked which organization is responsible for the GOEO grants. Vicki told the group that - technically GOEO is but the division is hoping to be involved. Additionally Vicki stated that they process we use for awarding and reporting outgoing funding is different than GOEO.

Laurel talked about some notes for the Shakespeare Festival added in the comments so the boards could see what they get from the legislature.

2022: \$50,000 one time for operating support (EAC), \$400,000 for two-year statewide tour of "Every Brilliant Thing" (Higher Ed Appropriations), \$540,000 for theatrical equipment (BEDL).

\$297500 on going funding 2023: \$100,000 one-time for operating support (EAC), \$600,000 for theatrical equipment (BEDL). \$350,000 on-going funding

Diana, who is part of the GOS task force, explained that the reason the task force wanted to give some money to Shakespeare fest and Sundance is to keep the communication and relationship open.

Kelly remarked that he is familiar with GOEO and their oversight and has been closely watching this process.

Laurel said that the division has been working with GOEO and thankfully GOEO allowed applicants to use our grant portal instead of asking for additional applications.

Sharon asked for clarification that applicants used the division portal to apply then GOEO took some of the applications.

Vicki confirmed that was the case and explained that last year the division had \$6 million and hoped to increase funding to a few groups. The division even invited organizations to apply opting to “rise all boats” if additional funds were received by the legislature. The division did this in hopes that all Utahans would have access to museums and art experiences. The division got more applications than in the past and we are relieved that nobody received the projected 10% decrease.

Heidi asked if organizations looked at the amount they received in the past, baking it into their budget. Laurel answered that the division has sent out a lot of communication to organizations signaling there would be a 5-10% cut from last year's award. The division's hope is that organizations are ready for communication and aware of the cuts.

Vicki said that many of the groups were optimistic that funding would not be cut.

Laurel explained to the board that the division is being conservative with this total number and hopes to come back in the spring with a little more funding. There are still enough questions around all that has happened with the legislature to warrant a conservative approach at this time. The division does want to spend all the funds we have available but we want to make sure everyone is taken care of. For this reason the grants team created a small cushion we can use if organizations have any struggles with GOEO awards.

Vicki asked if anyone looked at the attached recommendation line by line and if the board has questions about any specific lines..

Krista asked what Epicenter is?

Laurel explained that Epicenter is a local arts agency in Green River, with a population less than 1000. She told the board that Epicenter was started in 2008-2009 during the recession when a group of young unemployed professionals found themselves in Green River With Americorp. They started an arts agency which has since been recognized by the National Endowment for the Arts. They are known for not taking over a small community but instead creating something where the community's voice could be incorporated. The task force recommended the small increase because they are representing themselves better than in the past.

Krista asked about the funding line for the University of Utah's English Department.

Laurel explained that this funding comes from the literary side of Arts and Museums, the English department runs a community reading program the division want to support

Vicki talked about how whenever the division funds Universities or associated museums it is for public programming.

Laurel said this particular organization used to apply for a project grant, they could arguably be pushed back to a project grant. In 2016 we allowed them to be part of GOS, however the project is quite small and community focused so it may need to get shifted back toward project grants. One of the reasons for the 2016 decision to put them in the GOS category is that the division does not have many literature focused applicants.

Sharon asked if the simplified grant application for the GOS helped the application and review process run smoother.

Laurel explained to the board that some organizations did not want to increase their budget so the division gave them the option of using a simplified application. This application was created and changed by listing to stakeholders and the division got some good feedback from applicants from the simplified application category.

Laura asked if the GOS grant that will be voted on today is a one year or two year grant.

Vicki said the division hopes and plans for this to be a two year grant however, the second year depends on funding. The board may need to vote on the GOS again if there are changes.

Laura asked if the economic impact an organization makes is more favorable than the cultural impact when it comes to how much money is distributed.

Vicki answered that because the GOEO money is one time money there is no plans on continuing it.

Laurel said that if the legislature does not continue the GOEO and also does not give the funding back to the division, the amount available to organizations will be \$2 million in the hole next year.

Sharon complemented the discussion during the meeting and said if no one else has questions she would like to move forward with the vote.

Heidi reminded both boards to recuse themselves from grants that related to organizations they are associated with.

Sharon Johnson - Museums Board - Roll Call Vote

Laura St. Onge motioned to approve the General Operating Support Grants, Diana Call seconded the motion. The following all voted in the affirmative with recusals as listed. Jessica Kinsey- recuse from Southern Utah State University, Robb Alexander (noting that recusal was not necessary because the Hill Aerospace Museums is part of the GOEO funding), Susan Adams, Diana Call - rescued from St. George Dinosaur Discovery Site, Laura St. Onge, Sharon Johnson - recused from the Cache DUP Museum.

Motion passed unanimously.

Heidi Prokop- Arts Board - Roll Call Rote

Caitlin Gouchnor motioned to approve the General Operating Support Grants, Krista Sorensen seconded the motion. The following all voted in the affirmative with recusals as listed. Amy Jorgenson -

	<p>recused from Granary Arts Center, Jenilynn Wilson - recused from Utah Shakespearean Festival, Juan Carlos Claudio rescued from Ririe Woodbury, Repertory Dance Theatre and SB Dance, Larry Cesspooch, Natalie Young, Krista Sorensen - recused from Salt Contemporary Dance, Caitlin Gouchnor, Heidi Prokop - rescued from Utah Film Center. Motion passed unanimously.</p> <p><u>Correction for Small Museum Project Grant</u></p> <p>Laurel shared that there was a small error on the small museum project grant the Museums Services Advisory Board approved last month. The mistake was caught when the grants team wanted to send out contracts. Approval from the board is required specifically for Utah Tech University and Canyon Chapter. Only the Museums Services Advisory Board needs to vote for this action.</p> <p>Sharon Johnson - Museums Board - Roll Call Vote</p> <p>Sharon asked if anyone had questions and nobody responded.</p> <p>Robb Alexander motioned to approve the corrections to the Small Museum Project Grants, Diana Call seconded. The following all voted in the affirmative. Jessica Kinsey, Laura St. Onge, Susan Adams, Diana Call, Robb Alexander, and Sharon Johnson. The motion passed unanimously.</p>
IV	<p><u>Annual Open Meeting Training - Heidi Prokop</u></p> <p>Open Meeting Training presented by Elliot Clark from the Attorney General's Office. No questions were asked during this training.</p>
V	<p><u>Next Board Meeting - Sharon Johnson</u></p> <p>Board & Staff Retreat: In-person 9a.m. - 5p.m.</p> <p>Tentative Business Meeting Canceled: October 12th noon - 1:15</p> <p><u>Schedule for FY24 Board Meetings</u></p> <p>Robb said that before the meeting adjourned he wanted to thank Vicki, Laurel and team for the huge GOS grant undertaking this year and congratulate staff on a job well done. Juan Carlos Claudio seconded Robbs statement.</p>
VI	<p>Adjourn - Robb Alexander - Motion to adjourn.</p>

Via Statute:

A simple majority of the voting members of the museums board constitutes a quorum for the transaction of business.

A simple majority of the voting members of the arts board constitutes a quorum for the transaction of business.

FY24 Small Museum Grant (with corrections for 9/13/23 meeting)

Applicant Institution	Requested Amount	Recommended Amount	Notes	
Al Mustafa Foundation	\$2,500.00	\$0.00	Recommend to UA&M Sponsorship Process	
Cedar City DUP	\$2,500.00	\$2,500.00		
Dagget County Museum	\$2,500.00	\$2,500.00		
Emery County Archives	\$2,500.00	\$2,500.00		
Lewiston DUP	\$1,000.00	\$1,000.00		
Miss Marys	\$2,500.00	\$2,500.00		
Morgan DUP	\$1,000.00	\$1,000.00		
Orderville DUP	\$2,500.00	\$2,500.00		
Paradise DUP	\$2,500.00	\$2,500.00		
Provo SUP	\$2,500.00	\$2,500.00	Provide technical assistance re: historic building alterations. Jansen Bennett with SHPO provided specific recommendations that must be followed.	
Uinta Springs Daughters of Utah Pioneers	\$2,500.00	\$2,500.00		
Utah Tech University	\$2,000.00	\$2,000.00	Correction from \$1,834 to \$2,000	
Settlement Canyon Chapter	\$1,750.00	\$1,750.00	Accidentally omitted from first request to board	
Total	\$28,250.00	\$25,750.00		

UTAH OPEN & PUBLIC MEETINGS ACT

Utah Code §§ 52-4-101 et seq.

What is OPMA?

- OPMA requires that the public's business be done in public.
- It provides requirements for conducting meetings of public officials, who have the authority to make policy and budget decisions in the public's interest.
- It requires that there be notice and an open deliberative process before a public body votes on matters under its jurisdiction.
- **ALL** votes are taken in public.

What is a Public Body?

OPMA defines a Public body as:

Any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

1. Is created by the Utah Constitution, statute, rule, ordinance, or resolution;
2. Consists of two or more persons;
3. Expends, disburses, or is supported in whole or in part by tax revenue; **and**
4. Is vested with the authority to make decisions regarding the public's business.

What is a Meeting?



OPMA defines a Meeting as:

“The convening of a public body or specified body, with a quorum present, including a workshop or an executive session, whether in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body or specific body has jurisdiction or advisory power.”

What isn't a meeting?

OPMA says a meeting does not mean a chance gathering or social gathering.



What is a Quorum?

“Quorum” means a simple majority of the membership of a public body, unless otherwise defined by applicable law.



What isn't a Quorum?



Quorum does not include a meeting of two elected officials by themselves when no action, either formal or informal, is taken.

NOTICE and AGENDA

CLASS A NOTICE

- All public bodies and specified bodies
- 63G-30-102(1)

CLASS B NOTICE

- Applies to certain municipal meetings and meetings of taxing authorities
- 63G-30-102(2)

NOTICE

CLASS A NOTICE

- At least 24 hrs. in advance of meeting;
- Posted on Utah Public Notice Website;

CONT.

- Posted on public body's official website **IF** the body has both an official website and an annual budget of at least \$250K; and
- In certain instances, posting at physical locations

NOTICE

CLASS B NOTICE

- All Class A notice requirements
- In addition:
 - Mailings to residents in certain areas; and
 - Mailings to specific people when required by statute



AGENDA



- Posted with notice;
- Must list items with “reasonable specificity” (an average person would be on notice as to all topics of discussion and action planned for the meeting).

Notice Requirements

In addition, a public body that holds regular meetings that are scheduled in advance over the course of a year shall give public notice at least once a year of its annual meeting schedule.





Records of Open Meetings

Do we have to keep minutes and/or recordings?

- YES TO BOTH!
- Even though there is an audio recording, the approved written minutes will be the official record.
- Include both written minutes and recording of open meetings as public records.
- Public body shall establish and implement procedures for the public body's approval of the written minutes of each meeting.

Written Minutes

- Date, time, and place of meeting;
- Names of members present and absent;
- Substance of all matters proposed, discussed, or decided by the public body which may include a summary of comments;
- Record, by individual member, of each vote taken by the public body;
- Name of each person who makes a public comment and the substance of the comment; and
- Any other information that is a record of the proceedings of the meeting that any member requests be entered in the meetings or recording.





Posting Approved Minutes and Audio Recordings to Public Notice Website

Pending Minutes:

Available to public within 30 days after the meeting (State Public Body and Specified Local Public Body). All other public bodies required to make pending minutes available to public in a reasonable amount of time.

Approved Minutes:

Posted on the PNW within 3 business days of public body's approval (All Public Bodies). A website link to approved minutes may be posted on the PNW for public bodies that are not a State or Specified Local Public Body.

Audio Recordings:

Audio recording or a link to the audio recording posted on the PNW within 3 business days after the meeting (State Public Body). Specified Local Public Body and all other public bodies are required to make audio recording available to public within 3 business days after meeting but no requirement to post.

Electronic Meetings



Do I have to attend meetings in person? May a meeting be held without people in the same room?

Public bodies may meet by phone or other electronic means that allows participants to hear or observe communications.

- The public body must adopt by resolution, rules, or ordinance governing the use of electronic meetings.
- Notice requirements still apply.
- The public must have a means to attend or participate.
- May be held without an anchor location if it presents a substantial risk to health or safety, but requires written determination by the chair of the public body.

Electronic Message Transmissions

The Open Public Meetings Act does not restrict members of a public body from transmitting an electronic message to other members of the public body when the body is not in an open meeting.



Emergency Meetings



Due to unforeseen circumstances that must be articulable.

- An example might be a broken water line that cannot wait for the next scheduled meeting.
- Emergency!

Failure to comply with OPMA requirements isn't an unforeseen circumstance.

Requires best notice practicable.

Cannot be held unless an attempt has been made to notify all members of the public body and a majority of the members approve the meeting.



Closed Meetings

- A public body can go from an open meeting into a closed meeting under certain circumstances.
- 52-4-205 lists **all** of the reasons for closing an open meeting.
- A quorum must be present. A motion to close the meeting must be made, naming the specific statutory reason for closure. Then, a roll call vote must be taken. Two-thirds of the body must approve the closed meeting.
- If the closed meeting is held to discuss 52-4-205(1)(a), (1)(f), or (2), the presiding member of the public body is to execute a sworn statement that the sole purpose of the closed meeting was to discuss these issues. No recording is required.
- If the meeting is closed for any other statutory reason, a recording shall be made, and written minutes can also be made. These are protected records under GRAMA.
- **NO VOTES ARE TAKEN IN CLOSED MEETINGS**
(Except allowed to end a closed meeting)

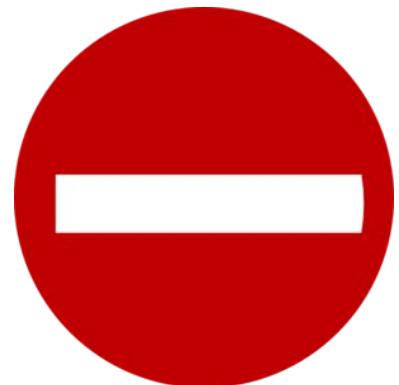
Reasons a Meeting May be Closed

1. To discuss character, professional competence, or physical or mental health of an individual (doesn't require recording if the chair signs an affidavit after);
2. To discuss collective bargaining;
3. To discuss pending or reasonably imminent litigation;
4. To discuss the purchase, exchange, or lease of real property, if public discussion would disclose the appraisal value or prevent the transaction on the best possible terms;
5. To discuss the sale of property, if public discussion would disclose the appraisal value or prevent transaction on best possible terms as long as there's public notice of sale and terms are disclosed before the sale;
6. To discuss security personnel, devices, or systems (doesn't require recording if the chair signs an affidavit after);
7. To discuss investigative proceedings regarding allegations of criminal misconduct; and
8. A few other exceptions relating to loans, the Legislature, Higher Education, and the Utah Procurement Code.

What is Forbidden During a Closed Meeting?

You may not:

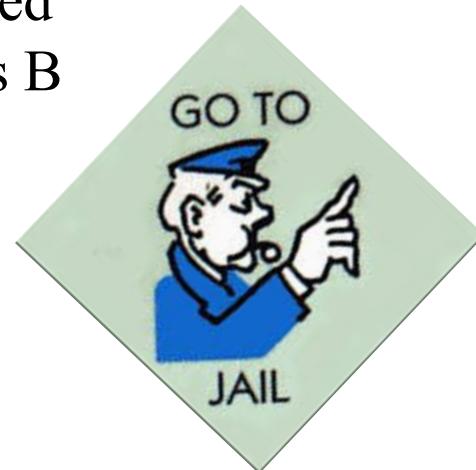
- Approve an ordinance, resolution, rule, regulation, contract, or appointment.
- Interview a person to fill an elected position.
- Take final action: Final votes must be open and on the record.



What Happens if Someone Violates OPMA?

A court can void any action in violation of the law:

- Sometimes a violation can be cured by discussing and taking a public vote in a subsequent meeting.
- May have to pay court costs and attorney fees.
- “In addition to any other penalty under this chapter, a member of a public body who intentionally violates or intentionally abets or advises in violation of the closed meeting provisions of this chapter is guilty of a class B misdemeanor.” (6 months in jail and/or \$1,000 fine)



Remedies & Enforcement

Voiding final action

- Any final action taken in violation of Section 52-4-201*, 52-4-202*, 52-4-207, or 52-4-209 is voidable by a court of competent jurisdiction.
- Must file a complaint with the court within **90 days** of final action. If the alleged violation involves bonds, notes, or other evidences of indebtedness the Complaint must be filed within **30 days**.
- **Does not apply to some notice exemptions for municipalities, special district with less than \$1 million annual budgets.*

Who can take action?

- Attorney General and County Attorneys
- Any party denied a right by the action taken
- Court may order compliance and enjoin violation
- Aggrieved party may recover attorney's fees



Disruption of Meetings

OPMA does not prohibit the removal of any person from a meeting if the person willfully disrupts the meeting to the extent that orderly conduct is seriously compromised.





TRAINING

The presiding officer of a public body shall ensure that the body receives OPMA training on an annual basis.

Common Violations of OPMA

- Closing meeting without members of the public body voting first in an open meeting to close the meeting.
- Conducting a closed meeting for reasons other than those allowed by OPMA.
- Taking official or final action in a closed meeting.
- Failing to properly provide notice of a public meeting.



Parting Tips and Helpful Suggestions:



- 24-hour notice
- Be specific with agenda items
- “Action taken on items discussed in closed meeting” is not enough
- Close meetings only for allowed statutory purposes and follow the process
- Provide minutes in a timely manner
- Don’t text during meetings
- Receive training once a year
- Err on the side of transparency
- When in doubt, consult your legal counsel