

**1900.3210 PROCESS FOR AN ORGANIZATION TO RECEIVE COUNCIL DESIGNATION THROUGH CHALLENGE TO AN EXISTING COUNCIL.**

Subpart 1. **Notice of intent to file preliminary biennial plan.** An organization that wants to be designated a regional arts council must notify the board and the challenged regional arts council, in writing, of its intent to file a preliminary biennial plan by January 1 of the second year of the biennium.

Subp. 2. **Board actions required after receipt of notice.** Within 30 days of receipt of the notice of intent to file a biennial plan, the board must schedule a meeting with the challenging organization to make a preliminary determination of the appropriateness of the organization's ability to carry out the challenge. This determination shall be made by the regional arts advisory committee and a recommendation to accept or reject the challenge will be made to the board. The challenging group and the challenged council must be notified within ten days of the board's decision.

Subp. 3. **Change in preliminary biennial plan due date.** If the competing organization's challenge is accepted, the existing council must be notified in writing by February 10 that the challenge has been accepted and that the existing council's preliminary biennial plan will be due on April 1 instead of May 15.

Subp. 4. **Process for organization filing preliminary biennial plan.** An organization that wants to be designated a regional arts council must follow all steps outlined in parts 1900.2610 to 1900.2810 except that its preliminary biennial plan must be submitted by April 1.

Subp. 5. **Process for assigning regional arts council designation.** The board's regional arts advisory committee shall be enlarged to include the chair of the Regional Arts Council Forum or another Regional Arts Council Forum designated representative, an additional board designated representative, and as many board-appointed citizen advisors as the board deems manageable to review and evaluate all preliminary biennial plans and make a recommendation to the full board about designation. In its review of preliminary biennial plans, the committee must follow the process in part 1900.2810. In making its determination, the committee may also schedule public meetings, request additional information, schedule interviews with board members or staff of the competing organizations, or with citizens of the region in order to evaluate the competing preliminary biennial plans and organizations. The information gathered shall be part of the public record and shall be used in making the final determination about designation. At the conclusion of its review, the regional arts advisory committee shall recommend that the board confer designation to the organization which has demonstrated, through its preliminary biennial plan and the committee's review, that it will most effectively serve the needs of its region.

Subp. 6. **Board process for designating regional arts council status.** The board must approve, reject, or defer the committee's recommendation on which competing organization receives designation. If the board cannot make a decision, it may defer its decision up to 45 days while it gathers additional information. The organization selected by the board to receive designation as the regional arts council must follow part 1900.2810 to submit a biennial plan. The biennial plan must be received and accepted before designation is assigned. All competing organizations must be informed in writing within ten days of the outcome of the board's decision. A regional arts council's designation shall stand until the designation is officially rescinded by a vote of the board.

Subp. 7. **Probationary period.** If the challenging organization is designated as the regional arts council, its designation shall be subject to a one-year probationary period. At the time of designation, it shall receive from the board a written probationary agreement which shall include a description of the process to be used at the end of the year to review the organization's performance as a regional arts council. If all terms of the probationary agreement are satisfactorily met, the council's probationary status shall be lifted. If the terms are not met, the board may either extend the probationary period or remove the organization as the designated council. The regional arts advisory committee must be consulted by the board prior to approving or revoking the designation.

**Statutory Authority:** *MS s 129D.04*

**History:** *21 SR 5; 28 SR 854*

**Published Electronically:** *September 14, 2007*