

# New York State Council on the Arts Agency Work Plan

-- 2015-2018 --

## Executive Summary

### About the New York State Council on the Arts

The New York State Council on the Arts (NYSCA) is dedicated to:

- Supporting artistic excellence and artists' creative expression
- Strengthening the state's arts, culture and heritage sector
- Ensuring and broadening public access, appreciation and education in the arts, culture and heritage throughout the state

NYSCA aims to achieve these goals by: partnering statewide with artists and non-profit organizations through its grantmaking program and providing public information and NYSCA staff services.

As a NYS agency, all of NYSCA's work supports good governance goals:

- Artistic excellence
- Education
- Community development and vitality
- Economic impact and growth
- Open and equal access for the public
- Efficient stewardship of public tax dollars

### NYSCA's Agency Work Plan

The agency's 2015-2018 work plan will ensure NYSCA is implementing its statute most effectively and efficiently. The planning process<sup>1</sup>, and the work plan that came from it, will allow the agency to best align its mission and resources with its duty to NYS's citizens and visitors and the needs of the art, culture and heritage sector.

Meetings and phone convenings with stakeholders (Council, staff, grantees, thought leaders, NYS agencies) have informed NYSCA's agency work plan. The National Assembly of State Arts Agencies (NASAA) played the crucial role of facilitator at these convenings. Themes that emerged in the discussions, included:

- The agency's continued strong support of NYS artists and arts, culture and heritage non-profit organizations in service to NYS citizens and visitors
- The need to examine and adapt the structure of NYSCA's grantmaking function to best serve the arts, culture and heritage field
- The agency's role in driving artistic excellence, innovation and best practices in the sector
- The need for a comprehensive communication strategy related to agency activities and opportunities directed at serving and collaborating with the public, the field, and peer state agencies
- The agency's role in supporting networking opportunities and convenings to share current priorities, future plans and successful models for achieving high standards of artistic excellence and public benefit
- The importance and value of strategic partnerships across all stakeholder groups
- The improvement of NYSCA's internal operations related to grant contracting, customer service and communication

These themes are the basis for the content of the work plan presented here.

---

<sup>1</sup> A full description of the planning process can be found in the appendix

## Next Steps

**Survey Results Analysis:** With Council, staff and stakeholder feedback in hand, the agency developed and fielded a survey<sup>2</sup> to garner opinions and information from the public on the state's arts, culture and heritage opportunities and role of a state arts agency. NASAA assisted in the development of the survey and will help analyze the 3,750 responses resulting in the final survey report. The information gleaned from the survey results will further refine and improve the agency work plan. The agency is especially interested in the nearly 1,200 response from those unaffiliated with arts, culture and heritage organizations. This information segment will serve as the basis of the agency's public awareness campaign.

**Mission & Values Working Group:** Throughout our planning process, Council and staff called for the review of the agency's mission and values. In response, NYSCA will convene a staff working group to examine the agency's mission and values to ensure they align with the work of the agency. The committee will begin in October 2014. The resulting one page document will be reviewed by the Council and Executive Chamber. When approved, this document will inform the agency sub-committees as they implement the work plan.

## Implementation

- Convene working committee of staff from the agency's three departments (Executive, Programs, Operations) to determine priorities & implement each framework
  - Programs staff leads committee to 'Support & Strengthen NYS's Arts, Culture, Heritage Sector'
  - Executive staff leads committee to 'Promote the Public Benefit of NYS Arts, Culture and Heritage Activities'
  - Operations staff leads committee to 'Strengthen Internal Operations to Improve Service'
- Subcommittees will be tasked with prioritizing, implementing and refining each objective
- Quarterly meetings with all committees will present progress, make necessary adjustments to plan
- Annually reevaluate implementation plans, successes and challenges
  - Adjust implementation and plan accordingly
- Maintain focus on agency work plan in all NYSCA decisions and planning agendas

Please note those actions marked with an asterisk (\*) are already underway

---

<sup>2</sup> NYSCA's planning survey was available to the public from Monday, July 7, 2014 to Monday, August 4, 2014. More information, including the full survey, can be found in the appendices.

## Support & Strengthen NYS’s Arts, Culture, Heritage Sector

Since its inception in 1960, supporting New York State’s arts, culture and heritage organizations and artists has been the New York State Council on the Art’s primary charge. This support is realized through the agency’s comprehensive grantmaking program. In FY2013-2014, NYSCA awarded approximately 1,875 grants to more than 1,250 nonprofit cultural organizations. More than half of those organizations had a budget size under \$500,000.

NYSCA has maintained its support as the sector has faced a period of unprecedented change. As our sector, and the agency itself, adapts to a new economical and governmental paradigm, NYSCA will evaluate its grantmaking program to ensure the agency is providing grantees with the type support and services today’s non-profits need and demand.

Implementing this framework will begin with a comprehensive examination of the agency’s grant program: successes, failures, strengths and weaknesses. Insights gathered during the planning process along with the objectives laid out below will guide NYSCA in its continued efforts to support and strengthen New York State’s arts, culture and heritage sector.

### OBJECTIVES

#### Assess and adapt NYSCA’s grant program to ensure a comprehensive, effective funding model

| Actions   |   |   |
|---|---|---|
| Immediate   | Mid Term  | Long Term   |
| Year 1  | Years 2-3   | Year 4 and Onward   |
| <p>Inventory all grant opportunities across programs to understand strengths, gaps, redundancies</p> <p>*Develop method to reinstate agency site visit program to ensure due diligence and increase staff effectiveness</p> <p>Analyze public survey results from those respondents self-identified as NYSCA grantees</p> <p>Survey applicant pool on current NYSCA funding model</p> | <p>Employ surveys, site visits and convenings to understand sector needs, goals and effective business models</p> <p>Align funding model &amp; grant program to:</p> <ul style="list-style-type: none"> <li>• Meet sector needs and goals</li> <li>• Increase lifelong learning opportunities</li> </ul> <p>Increase access and services to underserved populations</p> | <p>Align funding model &amp; grant program to Mission &amp; Values</p> <p>Introduce new funding initiatives to support sector trends, best practices and innovation</p> |

**Assess and adapt NYSCA’s grant program to ensure a comprehensive, effective funding model (Cont’d)**

| <b>Actions</b>  |  |                  |
|---|--|------------------|
| <b>Immediate</b>  | <b>Mid Term</b>  | <b>Long Term</b> |
| <p>*Research successful strategies and case studies to increase access and services to underserved populations and improve arts learning opportunities</p> <p>*Adapt grant structure to streamline administrative requirements and reduce redundancies for applicants and staff</p> | <p>Periodically reevaluate success of grant programs using NYSCA data and sector input</p> |                  |

**Drive innovation through sector meetings & convenings**

| <b>Actions</b>  |  |   |
|---|--|---|
| <b>Immediate</b>  | <b>Mid Term</b>  | <b>Long Term</b>  |
| <p>Inventory all NYSCA supported convenings to understand strengths, gaps and redundancies</p> <ul style="list-style-type: none"> <li>• Across regions, art forms, internal operations</li> </ul> <p>Work with existing partners to develop a target list of new, expanded or revised convening opportunities</p> | <p>Develop new networks, opportunities and partners for convening</p> <p>Ensure NYSCA supported convenings cover all art forms, geographic regions &amp; support diversity and inclusion, lifelong learning, cultural development, community engagement, and economic development and vitality</p> | <p>Encourage convenings to issue white papers and participate in national conferences</p> <p>Participate in convenings outside of the arts, culture, heritage sector including for-profit and technology related industries</p> |

**Support individual artists and art-making**

| <b>Actions</b>   |   |  |
|--|---|--|
| <b>Immediate</b>   | <b>Mid Term</b>   | <b>Long Term</b>   |
| <p>Examine existing NYSCA grant programs that serve artists to highlight successes and address guideline inconsistencies</p> <p>Survey artists' and artist service organizations' current needs and gaps in service</p> <p>Review current research on artists' needs</p> <p>Canvas peer funders to study current practices, trends</p> <p>Examine major exhibition, presentation and distribution venues internationally to study cutting edge models for presenting artists' work</p> | <p>Convene artists, service organizations and funders to identify:</p> <ul style="list-style-type: none"> <li>• New ways to serve NYS artists</li> <li>• How to serve more artists</li> <li>• How to strengthen NYS artists business models</li> </ul> <p>Identify state agencies interested in working with artists</p> <p>Develop resources for artists related to creative economy, entrepreneurialism and community development</p> | <p>Align funding model &amp; grant program to artists needs and goals</p> <ul style="list-style-type: none"> <li>• Utilize Technical Assistance, Service Organizations</li> </ul> <p>Implement programs through service organizations to attract more artists, drive innovation and entrepreneurialism</p> |

**Build strategic partnerships to deepen arts, culture, heritage sectorial support**

| <b>Actions</b>   |   |  |
|--|---|--|
| <b>Immediate</b>   | <b>Mid Term</b>   | <b>Long Term</b>   |
| <p>*Review potential partners, available resources and needs</p> <ul style="list-style-type: none"> <li>• Federal Gov't</li> <li>• Private Sector, For Profit</li> <li>• Arts, Culture, Heritage Profit &amp; Non-Profits</li> </ul> <p>*Canvas state agencies w/ shared constituencies to understand how best to compliment and align funding</p> | <p>Launch pilot partnership programs around NYSCA priorities</p> <ul style="list-style-type: none"> <li>• Artistic Quality</li> <li>• Public Access &amp; Participation</li> <li>• Lifelong Learning</li> <li>• Economic Impact &amp; Sustainability</li> </ul> | <p>Assess regional interest and capacity to implement creative economy studies statewide</p> <p>Invest in strategic partnerships with greatest potential to broaden and deepen public benefits from the arts, culture, heritage sector</p> |

**Build strategic partnerships to deepen arts, culture, heritage sectorial support (Cont'd)**

| <b>Actions</b>  |   |                  |
|---|---|------------------|
| <b>Immediate</b>  | <b>Mid Term</b>   | <b>Long Term</b> |
| *Examine how NYSCA grants & services align with other state resources | Investigate what resources Small Business Administration sectors offer the non-profit arts, culture and heritage sector |                  |

| <b>Success Markers:</b>   |
|---|
| <ul style="list-style-type: none"> <li>• Support artistic excellence, professionalism in the arts, culture and heritage sector</li> <li>• Streamlined grantmaking function aligned with sector needs and state governance framework                             <ul style="list-style-type: none"> <li>○ Compliments other state agency activity and current grant making nationally</li> </ul> </li> <li>• Increase and diversify new applicant pool                             <ul style="list-style-type: none"> <li>○ Directly or through Regrant sites</li> </ul> </li> <li>• Attract applicant organizations outside the non-profit Arts, Culture, Heritage sector with a significant investment and commitment in the sector</li> <li>• Maintain regional balance in grant awards</li> <li>• NYS agencies engage in information and priority sharing and develop program partnerships</li> <li>• Applicant organizations engage in partnership projects with other state agencies</li> <li>• Artists are working with other state agencies</li> </ul> |

## Promote the Public Benefit of NYS Arts, Culture and Heritage Activities

New York State has long valued artistic expression and encouraged public interest in the state’s unrivaled arts, culture and heritage opportunities. Nonetheless, public funding for arts, culture and heritage is often viewed as a luxury. Through the objectives outlined below, NYSCA will reinforce that public engagement in the state’s arts, culture and heritage opportunities is fundamental to the lives our citizens and visitors and ensures a strong foundation for the vitality and prosperity of our communities. NYSCA will employ the analysis of its planning survey results to gauge baseline awareness, interest and engagement in the varied arts, culture & heritage opportunities available statewide.

The agency will build public awareness and align with a broad set of goals by developing a tiered public awareness campaign and by engaging new partners to expand public participation and increase support.

### OBJECTIVES

#### Boost public awareness around ‘Arts, Culture, Heritage as a Public Benefit’

| Actions  |  |   |
|--|--|---|
| Immediate  | Mid Term   | Long Term   |
| Year 1   | Years 2-3  | Year 4 and Onward   |
| <p>Continue to analyze the results of the NYSCA planning survey with special attention paid to those respondents not affiliated with arts, culture &amp; heritage organizations</p> <p>*Research new and creative social media tools for dynamic messaging</p> <p>Develop relationships with major technology companies to stay abreast of trends</p> <p>Use social media to promote opportunities in the state and communicate national/sector trends</p> | <p>Work with Governor’s Press Office to align campaign with statewide news</p> <p>Use NYSCA, New York State &amp; Cultural Data Project data to develop and publish relevant campaign content and new case statements for the sector’s public benefits</p> <ul style="list-style-type: none"> <li>• Arts, Culture and Heritage</li> <li>• Economic, tourism, education &amp; participation data</li> </ul> | <p>Build content with timely surveys, studies led by NYSCA</p> <p>Include promotion of “arts, culture, heritage as a public benefit” throughout agency operations and program communication</p> |

**Boost public awareness around ‘Arts, Culture, Heritage as a Public Benefit’ (Cont’d)**

| <b>Actions</b>  |                 |                  |
|---|-----------------|------------------|
| <b>Immediate</b>  | <b>Mid Term</b> | <b>Long Term</b> |
| *Issue news releases on local award announcements and grantee achievements<br><br>*Upgrade the agency website |                 |                  |

**Participate in tourism and cultural events, statewide**

| <b>Actions</b>  |   |   |
|---|---|---|
| <b>Immediate</b>  | <b>Mid Term</b>   | <b>Long Term</b>  |
| *Develop staffing plan to allow for NYSCA presence & service at events across the state and relevant conferences nationally<br><br>*Continue to work with peer state agencies to identify best events for NYSCA and grantee participation<br><br>Utilize the results of NYSCA’s planning survey to identify types of events best suited to spur public participation and audience development | Develop collateral and marketing materials touting NYS Arts, Culture, Heritage offerings and NYSCA’s successes serving artists, the sector and the public | Include NYS arts, culture and heritage activities in travel and tourism events and communication statewide<br><br>Reinstigate Governor’s Arts, Culture, Heritage Awards<br><br>Participate in relevant national arts, culture and heritage events |

**Utilize strategic partnerships to engage a wider audience and expand public participation**

| <b>Actions</b>  |  |   |
|---|--|---|
| <b>Immediate</b>  | <b>Mid Term</b>  | <b>Long Term</b>  |
| <p>*Continue work with Tourism and I Love NY to include NYSCA’s offerings in state supported events</p> <p>*Launch grants co-branding with I Love NY and NYS Film Office</p> <p>*Further develop working relations with NYC Film Office</p> <p>*Continue ‘friend-raising’ throughout NYS government to identify potential partners</p> <p>Utilize statewide data to identify populations with most limited access to NYSCA funded activities</p> <p>Present planning survey results to peer state agencies, for their use. Empire State Development &amp; I Love NY have voiced interest in results related to travel and economic development.</p> | <p>Investigate partnership opportunities outside of NYS government</p> <ul style="list-style-type: none"> <li>• Federal Gov’t</li> <li>• NYC Gov’t</li> <li>• Private Sector, For Profit</li> <li>• Arts, Profit &amp; Non-Profit</li> </ul> <p>Develop strategy to work with county tourism offices (TPAs) , NYS Tourism Council and other intermediaries</p> | <p>Become a go-to resource for government peers, sector and the public</p> <ul style="list-style-type: none"> <li>• Data &amp; information</li> <li>• Model projects and innovation</li> <li>• Surveys, research</li> </ul> |

| <b>Success Markers:</b>  |
|--|
| <ul style="list-style-type: none"> <li>• Support NYS’s position as a global leader in arts, culture and heritage opportunities</li> <li>• Increased citizen engagement with NYSCA funded activities and organizations</li> <li>• Build champions for arts, culture, heritage outside of arts sector</li> <li>• Increase in arts, culture, heritage awareness &amp; advocacy from all constituencies                             <ul style="list-style-type: none"> <li>○ Citizens, corporate and for profit entities</li> <li>○ Arts, Culture, Heritage Organizations</li> <li>○ NYS Agencies</li> </ul> </li> </ul> |

***Success Markers (Cont'd):***

- Peer Funders
- Increased support in NYS funding for the arts, culture, heritage
  - Increased public funding
  - Localities developing dedicated funding models
  - Private sector funding
- Inclusion of arts, culture, heritage programming in the work of other state agencies

## Strengthen Internal Operations to Improve Service

The service NYSCA provides applicants and grantees, long-term and day-to-day, is paramount in successfully fulfilling the agency’s mission. As with our work to strengthen and support the sector, implementing this framework will begin with a complete review the agency’s existing practices. The results of this legal and policy review will permeate both the operations and programmatic functions of the agency.

As the state and agency continue to implement new reform-oriented systems and processes, the emphasis on efficient and effective customer service grows. The agency work plan will push the agency to develop a comprehensive customer service model grounded in clear, consistent and proactive communications.

### OBJECTIVES

#### Align internal processes and grant program with NYSCA’s legislative charge

| Actions   |   |   |
|---|---|---|
| Immediate   | Mid Term  | Long Term   |
| Year 1  | Years 2-3   | Year 4 and Onward   |
| <p>Complete legal review of NYSCA’s statue and Rules &amp; Regulations</p> <p>Re-examine Mission, Values &amp; Goals to confirm alignment with NYS governance priorities and capacity</p> <ul style="list-style-type: none"> <li>• Present more concise articulation</li> </ul> <p>Review Council’s policy and advisory role in all agency business</p> <p>Council &amp; Executive Chamber to review and adopt revised mission and values</p> | <p>Present Executive Chamber with suggested changes to Statue and Rules &amp; Regulations</p> | <p>Include any change to agency’s values and goals across grant program and agency priorities</p> |

**Examine NYSCA’s business processes to increase efficiency and ensure transparency and compliance**

| <b>Actions</b>  |   |  |
|---|---|--|
| <b>Immediate</b>  | <b>Mid Term</b>   | <b>Long Term</b>   |
| <p>*Continue to integrate statewide systems into NYSCA’s grantmaking and business processes:</p> <ul style="list-style-type: none"> <li>• Application and Contracting</li> <li>• Procurement Process</li> <li>• Internal Controls</li> <li>• Transparency</li> </ul> <p>*Examine, update/develop human resource policies, documents:</p> <ul style="list-style-type: none"> <li>• Staff development</li> <li>• Attrition/retirement</li> <li>• Employee Manual</li> <li>• Operations Manual</li> <li>• Performance Evaluations</li> </ul> <p>Identify and implement all NYS agency regulatory &amp; policy requirements</p> <p>*Identify gaps and opportunities in operations and program staffing. Develop hiring plan accordingly</p> | <p>Implement new systems and policies</p> <ul style="list-style-type: none"> <li>• Train staff</li> </ul> <p>Issue updated Employee Handbook and Agency Operations Manuals</p> <ul style="list-style-type: none"> <li>• Train staff</li> </ul> <p>Explore having a NYSCA staff presence in the State capital</p> <ul style="list-style-type: none"> <li>• Inform and educate peer state agencies &amp; Executive Chamber of NYSCA grant making mission, policies and procedures</li> <li>• Establish value of NYSCA resources across state agencies</li> </ul> <p>Institute regular review process of all agency operations</p> | <p>Develop appropriate NYSCA representation in Albany</p> <ul style="list-style-type: none"> <li>• Work toward collegial participation in decision-making that impacts arts and culture in NYS</li> <li>• Establish appropriate Council presence in Albany in support of NYSCA arts and cultural grant making</li> </ul> |

**Strengthen NYSCA’s emphasis on customer service and support**

| <b>Actions</b>  |  |   |
|---|--|---|
| <b>Immediate</b>  | <b>Mid Term</b>  | <b>Long Term</b>  |
| <p>*Roll out agency-wide customer service protocols to improve response time and consistent messaging:</p> <ul style="list-style-type: none"> <li>• Help Desk</li> <li>• Application Process</li> <li>• Contracting and Reporting</li> </ul> <p>*Develop a comprehensive communication plan to better inform the sector</p> <ul style="list-style-type: none"> <li>• Relaunch social media</li> <li>• Use e-mail campaign</li> <li>• Post critical information to website</li> <li>• Make better use of Re grants &amp; DEC sites</li> </ul> <p>*Develop relevant and detailed trainings for applicants and grantees on NYS and NYSCA systems</p> <p>Identify potential knowledge gaps related to staff attrition and retirements</p> <p>Develop and implement staff professional development program to increase knowledge around arts, culture, heritage policy and sector trends</p> | <p>Redesign NYSCA’s website to better serve applicants</p> <ul style="list-style-type: none"> <li>• Improve ease of use</li> <li>• Improve navigation</li> <li>• Enhance applicant dashboard</li> </ul> <p>Engage sector service organizations to further support customer service needs</p> <p>Professionally develop NYSCA staff in new technologies, tools and social media</p> <ul style="list-style-type: none"> <li>• Establish periodic and ongoing training</li> </ul> | <p>Convene focus groups to test efficiency and ease of use of customer service tools and activities</p> |

***Success Markers:***

- Ability to improve delivery on strategic priorities
- Transparent and legally compliant operations
- Better informed applicants and grantees
- Meet all required deadlines

# Appendix

|            |  |
|------------|--|
| Appendix A | About New York State Council on the Arts & History |
| Appendix B | NYSCA's Mission & Values                           |
| Appendix C | NYSCA Statute and Rules & Regulations              |
| Appendix D | State Map by Region                                |
| Appendix E | Definition of Planning Meetings & Participant List |
| Appendix F | Executive Director Statewide Tours                 |
| Appendix G | State Agency Plan Review                           |
| Appendix H | 2014 Public Survey                                 |
| Appendix I | 2014 Public Survey Findings Report                 |
| Appendix J | Council Member Biographies                         |
| Appendix K | 2014 NYSCA Organizational Chart                    |
| Appendix L | Summary of FY2014 Grant Applications               |
| Appendix M | 2008-2014 NYSCA Budget Summary                     |

## About the New York State Council on the Arts

The New York State Council on the Arts (NYSCA), founded by Governor Nelson Rockefeller in 1960, is an agency of the Executive Branch of the New York State Government dedicated to preserving and expanding the rich and diverse cultural resources that are and will become the heritage of New York's citizens. In FY2013-2014, NYSCA awarded approximately 1,875 grants valued at \$36 million to 1,250 cultural non-profit organizations. For more information on NYSCA, please visit: [www.arts.ny.gov](http://www.arts.ny.gov)

### A History of NYSCA

*The arts are a critical measure of 'the quality of life'—a fact that historians, if not always politicians, have recognized for centuries. We are constantly faced with combating the negative, inherited problems that have become too much for any other segment of society to handle—drug addiction, crime, and poverty, to name a few. The arts offer us the rare opportunity to further something that is positive—the expansion of human capacity and the pursuit of happiness—which is, after all, not only the central element of the arts, but of good government as well.*

- Governor Nelson A. Rockefeller  
October, 1967

\* \* \*

Looking back 50 years, it is impossible to imagine arts, culture and heritage activities in New York State without NYSCA. As the major, state-wide funding force for the arts in New York State, NYSCA has nurtured many thousands of artists; ensured stability and sustainability for many thousands of arts, culture & heritage organizations; and enabled millions of citizens and visitors in every corner of the state to experience and participate in the arts in their own communities or while tourists. A glance at NYSCA's history reveals how the agency has filled two significant roles over time: that of a funder responding to the needs of the non-profit arts, culture and heritage sector and that of a leader in the advocacy and advancement of the sector in New York State and, in many ways, the nation and the globe.

In 1960, Governor Nelson D. Rockefeller proposed a bold idea: dedicated public support for the arts through a state agency. Informed by societal values that support artistic excellence and creative expression, the New York State Council on the Arts came into being as the first modern day state agency dedicated to investing public funds in arts, culture and heritage activities and services. NYSCA's founding inspired the development of the National Endowment for the Art and other state arts agencies throughout the country. NYSCA's early focus was on the development of touring programs, technical assistance and administration. The appropriation for that first year of operations was \$450,000 and in FY2014-15 the appropriation is almost \$40M and more than 1,250 non-profit organizations receive grants through a competitive process.

The 1960s was a time of innovation and program development as the Council sought to maximize its impact and visibility in New York State. Most resources were directed toward producing projects designed to bring arts activities to all of the people of the state. Programs included: "The Composer in Performance" in which modern composers conducted their own works; the "moviebus" which toured communities throughout New York City; and in-depth technical assistance to the Air Preheater Company in Wellsville, NY (Monroe County) to support the creation of a performing arts series; and "The Erie

Maid," a multi-media exhibit on the canal and its construction, hosted on a boat that was boarded by more than 138,000 people at 30 towns from Rome to Albany.

Beginning with the establishment of arts discipline-based funding programs in the late 1960s, NYSCA's role began to shift towards organization and project funding, while continuing to act as a leader in the arts world through the development of innovative funding programs and the establishment of field-wide service organizations. In FY1970-71, a year in which more than 75 million attendees were recorded at arts events (four times the population of state), the legislature approved Governor Rockefeller's historic request for \$20.1 million for the agency, including \$18 million for grants distribution (local assistance program). This 10-fold increase in public arts funding enabled NYSCA to offer grants and support to the cultural community at an unprecedented scope and volume.

As a funder of public resources, NYSCA developed an open, fair and transparent process through which taxpayers dollars are awarded to eligible entities. One of NYSCA's most widely lauded and replicated work processes is the four-step grant application and review process which has checks and balances due to multiple levels of review. 1) Prior to application review, all applicants are required to be prequalified by the state. 2) All applications are reviewed by NYSCA staff and a peer panel of NYS citizens, who are professionals in the arts, culture, and heritage field convened to review and score each application. 3) After scoring review, the staff propose funding recommendations that are reviewed and voted on by a Committee of the 21 person Council (NYSCA's Chair and Council is appointed by the Governor). 4) Lastly, the full Council reviews the work of the Council Committees and votes on all grant recommendations. Receiving a NYSCA grant award is seen by many peer organizations and other funders, as a valuable "stamp of approval", helping the funded organizations leverage these public dollars into other (and in many cases, significant) funding opportunities.

Of the many funding mechanisms that have evolved over the years, two stand out: General Support (GS) and Multi-Year support. NYSCA was a pioneer in the creation of the general support category. This unrestricted funding enables organizations to use the money where it is needed most: staff salaries, artist fees, rent, scholarships/fee subsidies, etc. In addition to this critical investment in capacity-building and operations, NYSCA has led the way in supporting long-term organizational stability and financial planning through 2 to 5 year multi-year awards.

From its inception, NYSCA has sought to be a truly statewide agency by supporting organizations and activities in all of New York State's 62 counties. One of the most important developments in NYSCA's history was the creation of the Decentralization program (DEC) in 1977. The DEC regrant program works with 31 DEC sites (local arts and culture organizations) statewide to fund an additional 1,200 activities. A competitive application process is managed through a local decision-making process facilitated by the DEC sites.

NYSCA has historically been known for its "developmental" role as an engaged resource and supporter of the sector's professional development. Due to its large portfolio, NYSCA is able to recognize gaps and unmet needs in the sector and respond with adaptations to its grants programs. Over time, the extraordinary growth of the arts, culture & heritage constituency prompted NYSCA to develop an infrastructure of state-wide arts service organizations, many of whom have a significant role in developing and offering a broad array of resources and technical assistance in the cultural arts sector.

For more than 50 years, NYSCA has been a leader in the arena of public funding of arts, culture and heritage activities and the agency's investment of public funds has helped develop a New York State's

strong cultural infrastructure. As NYSCA heads into its next 50 years, lessons from the past will continue to inform the work of the agency, even as the Council refines and seeks out new ways to serve the citizens of and visitors to New York State.

## **NYSCA's Mission**

**The New York State Council on the Arts is dedicated to preserving and expanding the rich and diverse cultural resources that are and will become the heritage of New York's citizens. The Council believes in supporting the following.**

Artistic excellence and the creative freedom of artists without censure, and

The rights of all New Yorkers to access and experience the power of the arts and culture, and the vital contribution the arts make to the quality of life in New York communities.

NYSCA strives to achieve its mission through its core grant-making activity and by convening field leaders, providing information and advisory support, and working with partners on special initiatives to achieve mutual goals. Further, NYSCA's vision for cultural development in the state is reflected in the following goals.

Sustaining a vital ecosystem of individual artists and cultural organizations that supports the creation, presentation, critical review, and distribution of the arts and culture

Celebrating our rich range of artistic and cultural resources inclusive of diverse cultures and aesthetics

Encouraging artistic and discipline field advancement

Broadening public access, appreciation, participation, and education in the arts and culture throughout the state

Providing recognition and professional advancement for artists and arts administrators.

---

## **NYSCA's Values**

**At NYSCA, our efforts are guided by our belief in the fundamental importance of arts and cultural expression in people's lives and a commitment to serving our three constituencies: artists, arts and cultural organizations, and the public. We believe that:**

Artists are at the center of creative endeavor. Therefore, we are committed to providing artists with opportunities for artistic development and the public presentation of their work. Toward this end, the Council encourages arts and cultural organizations to work with artists to support the creation, presentation, and dissemination of their work, and serves as an advocate on artists' issues.

Strong arts and cultural organizations are vital to connecting the arts to people's lives. We are committed to assisting a wide range of arts and cultural organizations – small and large, new and established – to achieve their artistic, programmatic, educational, community, and organizational goals. As the arts field evolves and changes, NYSCA seeks to support organizational development and ongoing professional development, continuity of leadership, and improvement of professional conditions for leaders within cultural organizations.

Every citizen of New York State can have a meaningful connection to creativity and every community has a right to cultural self-determination. The Council is also committed to make the arts accessible to all the citizens of New York State. We aim to support worthy artistic and cultural activities that serve traditionally underserved communities or populations. These are the racially or culturally diverse, economically disadvantaged, people with disabilities, rural populations, and those who may experience discrimination on the basis of age, gender, or sexual orientation. We are committed to fostering public understanding and enjoyment of arts and culture through support of arts education, public participation, and lifelong learning programs in schools and community settings for children and adults.

## ACA - Arts and Cultural Affairs

### [Article 3](#) - COUNCIL ON THE ARTS

[3.01](#) - Legislative findings and declaration of policy.

[3.03](#) - Council on the arts.

[3.05](#) - General powers and duties of council.

[3.07](#) - State financial assistance for improvement, expansion or rehabilitation of existing buildings.

[3.09](#) - Assistance of other agencies.

[3.11](#) - Grants by council; consideration to certain applicants.

[3.13](#) - Participation in programs to promote progress and scholarship in the humanities and the arts.

[3.15](#) - Shared use space grant.

#### **3.01.** Legislative findings and declaration of policy.

It is hereby found that many of our citizens lack the opportunity to view, enjoy or participate in living theatrical performances, musical concerts, operas, dance and ballet recitals, art exhibits, examples of fine architecture, and the performing and fine arts generally. It is hereby further found that, with increasing leisure time, the practice and enjoyment of the arts are of increasing importance and that the general welfare of the people of the state will be promoted by giving further recognition to the arts as a vital aspect of our culture and heritage and as a valued means of expanding the scope of our educational programs. It is hereby declared to be the policy of the state to join with private patrons and with institutions and professional organizations concerned with the arts to insure that the role of the arts in the life of our communities will continue to grow and will play an ever more significant part in the welfare and educational experience of our citizens and in maintaining the paramount position of this state in the nation and in the world as a cultural center. It is further declared that all activities undertaken by the state in carrying out this policy shall be directed toward encouraging and assisting rather than in any ways limiting the freedom of artistic expression that is essential for the well-being of the arts.

#### **3.03.** Council on the arts.

1. The council on the arts in the executive department is hereby continued. The twenty-one members shall be, broadly representative of all fields of the

performing and fine arts, to be appointed by the governor, with the advice and consent of the senate, from among private citizens who are widely known for their professional competence and experience in connection with 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 the production or presentation of the performing and fine arts generally.

2. The term of office of each member of the council shall be five years. Vacancies in the council occurring otherwise than by expiration of term, shall be filled for the unexpired term in the same manner as original appointments. The governor shall designate a chairperson and two vice-chairpersons from the members of the council, to serve as such at the pleasure of the governor. The chairperson shall be the chief executive officer of the council.
3. The chairperson shall receive compensation fixed by the governor and shall be reimbursed for all expenses actually and necessarily incurred by him in the performance of his duties hereunder, within the amount made available by appropriation therefor. The other members of the council shall receive no compensation for their services, but shall be reimbursed for all expenses actually and necessarily incurred by them in the performance of their duties hereunder within the amount made available by appropriation therefor.
4. The chairperson may appoint such officers, experts and other employees as he may deem necessary, prescribe their duties, fix their compensation and provide for reimbursement of their expenses within amounts available therefor by appropriation.

**3.05.** General powers and duties of council. The council shall have the following powers and duties:

1. To stimulate and encourage throughout the state the study and presentation of the performing and fine arts and public interest and participation therein;
2. 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, theatre, dance, 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;

3. 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;
4. To hold public or private hearings;
5. To enter into contracts, within the amount available by appropriation therefor, with individuals, organizations and institutions for services furthering the educational objectives of the council's programs;
6. To enter into contracts, within the amount available by appropriation therefor, with local and regional associations for cooperative endeavors furthering the educational objectives of the council's programs;
7. To accept gifts, contributions and bequests of unrestricted funds from individuals, foundations, corporations and other organizations or institutions for the purpose of furthering the educational objectives of the council's programs;
8. To make and sign any agreements and to do and to perform any acts that may be necessary, desirable or proper to carry out the purposes of this chapter;
9. To promote tourism by supporting arts and cultural projects which would stimulate tourism and improve the state's attractions for tourists.
10. To administer the New York state musical instrument revolving fund in accordance with the provisions of section ninety-seven-v of the state finance law.

**3.07.** State financial assistance for improvement, expansion or rehabilitation of existing buildings.

1. Any other provision of any other law to the contrary notwithstanding, state financial assistance may be provided for up to fifty percent of the approved costs (excluding feasibility studies, plans or similar activities) of eligible projects for the rehabilitation of existing buildings, including leasehold improvements, by

an eligible nonprofit cultural organization, as provided herein. Such financial assistance may be in the form of grants and/or loans.

2. A nonprofit cultural organization may submit an application for state financial assistance for eligible projects as provided herein. The council, after review of the programmatic and fiscal needs and resources of the project and the organization, shall make a determination, subject to the restrictions, limitations, responsibilities and requirements of this section, as to the amount of state financial assistance in the form of a grant and/or state financial assistance in the form of a loan, or any combination thereof, that the organization may receive, provided, however, that subject to the requirements established herein:

- (a) Any financial assistance in the form of a grant may be provided for any amount from funds appropriated specifically therefor up to and including the amount of fifty thousand dollars.

- (b) Any financial assistance in the form of a loan may be provided from the arts capital revolving fund established pursuant to section ninety-seven-z of the state finance law for any amount up to and including the amount of one hundred thousand dollars, provided that interest in any such loan shall not exceed a maximum of ten or a minimum of three percent per annum.

- (c) Any combined financial assistance in the form of a grant and a loan may be provided for an amount up to and including the amount of one hundred fifty thousand dollars and may include any amount of state financial assistance in the form of a grant and any amount of state financial assistance in the form of a loan, as shall be determined by the council subject to the provisions of paragraphs (a) and (b) of this subdivision and the requirements, duties and responsibilities imposed by this section.

- (d) Nothing contained herein shall be deemed to require approval of a total of fifty thousand dollars in state financial assistance in the form of a grant, or approval of a total of one hundred thousand dollars in state financial assistance in the form of a loan, or to prevent the council from

approving a loan or any combination of a grant and loan in any amount, subject only to the limitation on such financial assistance imposed by paragraphs (a) and (b) of this subdivision, and the council's determination of the programmatic and fiscal needs and resources of the project and the organization, and other requirements of this section, irrespective of the amount of state financial assistance in the form of a grant and/or state financial assistance in the form of a loan requested or suggested by the applicant.

(e) The council may contract with outside entities to effect the purposes of this paragraph and to disburse loans and receive payments on such loans.

3. (a) For the purposes of this section, organizations or eligible organizations shall mean nonprofit cultural organizations which received funding from the council in each of the three previous state fiscal years and which own a condominium or a building or a part of a building or which own shares representing a cooperative interest in a building or which have entered into a lease-purchase agreement to own a building or which lease a building or space in it, and which operate a program therein, provided that evidence of such ownership, lease or lease-purchase agreement shall be provided by the eligible organization in such manner and form as is satisfactory to the council. Nothing contained herein shall prevent an eligible organization from receiving financial assistance under this section which has satisfactory occupancy agreements in a building which is owned by a local government.

(b) Eligible organizations shall not include:

- (1) public school districts, their components, and affiliate organizations, state agencies or departments, or, except as provided hereunder, public universities, their components and affiliate organizations; or
- (2) the provisions of subparagraph one of this paragraph to the contrary notwithstanding, a public university, its components or affiliate organizations may be funded if it serves and is located in a rural or minority community, as such shall be determined by the council pursuant to subdivisions seven and fifteen of

this section and meets all other applicable requirements for funding under this section, provided that applications from such entities for state financial assistance shall not be considered by the council prior to December thirty-first in any state fiscal year.

(c) Eligible projects shall include:

- (1) improvement, expansion or rehabilitation of a building for arts purposes;
  - (2) improvement, expansion or rehabilitation of existing buildings to increase or assure public access;
  - (3) improvement or rehabilitation of existing buildings for energy conservation purposes or for such other purposes as will serve to reduce the organization's costs of operation in such building;
  - (4) improvement or rehabilitation of existing buildings to address known health and safety deficiencies;
  - (5) improvement, expansion or rehabilitation of existing buildings to provide for handicapped accessibility;
  - (6) such other projects of substantive character as are in keeping with the spirit and intent of this section.
- (d) No project shall be considered eligible if it is approved for financing from any other state assistance program.

4. Each application for financial assistance shall be submitted to the council by the governing body of the eligible organization. Each application shall:

- (a) demonstrate that adequate operating support and resources will be available at the completion of the project to provide an improved or increased level of service;
- (b) contain verification in such form as may be acceptable to the council that the remaining cost of the project, exclusive of state financial assistance, has been or will be obtained;
- (c) demonstrate that the project will be completed promptly and in accordance with the application;
- (d) either demonstrate that the operation of the organization will be made more economical or efficient as a consequence of approval or demonstrate that health and safety concerns will be repaired or access to handicapped provided;

- (e) demonstrate that the project will be conducted in accordance with applicable federal, state and local laws and regulations;
  - (f) demonstrate that, where appropriate, competitive bidding procedures will be followed as required by law, or provide such other evidence of competition as shall be satisfactory to the council;
  - (g) provide an assessment of the useful life of the project, and such recommendation, analysis of needs or feasibility studies as may be required by the council provided, however, that for the purposes of this section the term "useful life" shall mean such method of calculating the worth of a project and the amount of annual depreciation necessary for effecting contracts under this section as the council shall require after consultation with the state comptroller and upon approval by the state division of the budget;
  - (h) demonstrate that contracts for the project will be executed in accordance with subdivision twelve of this section;
  - (i) provide such other information as may be required by the council including such guarantees as are further required by subdivisions eight and nine of this section.
5. Each organization may submit no more than one application annually. Any other provision of this section to the contrary notwithstanding, no organization shall receive state financial assistance under this section funding more than three years in any consecutive five-year period.
6. (a) Each application for state financial assistance shall be reviewed by the council for its merits and for the programmatic and fiscal needs and resources of the proposed project and the applicant organization. Any application for a project whose total cost equals or exceeds the sum of one million dollars which is deemed preliminary acceptable shall be submitted by the council to the dormitory authority of the state of New York for technical review. Provided, however, that nothing contained herein shall prevent the council from submitting any application for financial assistance, irrespective of the amount of financial assistance requested or the total project cost, to the authority for technical review and recommendations pursuant to the provisions of this section.

(b) Within thirty days of the receipt of an application from the council, the authority shall provide the council with a written evaluation of the project which shall include the following factors:

- (1) feasibility of the proposed project from an engineering standpoint;
- (2) total project cost estimate;
- (3) proposed project schedule;
- (4) useful life of the proposed project as defined pursuant to paragraph (b) of subdivision four of this section;
- (5) such other factors which the authority shall determine are applicable to its evaluation of the project.

(c) If within the thirty-day period the authority finds more information is necessary, the authority shall so notify the council and shall have a maximum of ninety days to complete its review.

(d) Concurrent with its approval of any application, the authority shall include its recommendation as to the manner in which the design and construction of the project should be managed.

(e) In any case where the authority and the council and the organization have agreed that the authority will award contracts for the design and construction of the project, the authority shall prepare or cause to be prepared a feasibility design and performance plan which shall set forth the terms and conditions associated with the construction management process. Such plan shall contain provisions relating to the relative responsibilities of the authority, appropriate performance and surety bonds, remedies against architects, contractors and sureties deemed to be in default in the performance of their obligations, and, generally, the management of the construction process in a professional manner in accordance with prevailing construction industry standards.

(f) Should the authority fail to provide the council with an approval, disapproval or request for additional information within thirty days of receipt of the original application or within ninety days as may be appropriate, the application shall be submitted to the council for its final approval or disapproval.

(g) If approved by the authority, the application shall be returned to the council, which may provide final approval for state financial assistance.

(h) Subject to approval by the director of the division of the budget, the council shall enter into an agreement to insure that the authority shall be reimbursed for reasonable expenses incurred in fulfilling its responsibilities under this section and shall authorize payment to the authority out of monies earned on interest in the arts capital revolving fund established pursuant to section ninety-seven-z of the state finance law or from any other funds allocated by it to fulfill the purposes of this section, provided, however, that in no event shall the council authorize payment under this paragraph an amount greater than the sum of fifty thousand dollars in any state fiscal year.

7. In approving any application, the council shall consider:

(a) the condition of the existing building;

(b) the recommendation and analysis of need as provided in the feasibility study or other documentation required by the council;

(c) the available resources for the project;

(d) the nature of the activities proposed to take place at the site which is the subject of the application;

(e) such other criteria as the council may deem appropriate or necessary to the approval of any application, including the fiscal resources of the applicant, which shall be determined after review of any one of the prior year's report of the following: a financial statement prepared by an independent certified public accountant; an annual statement of income and expenses; a federal tax return with all itemizations and breakdowns; or a long form report from the office of charities registration; and

(f) where appropriate and in keeping with the provisions of subdivision fifteen of this section, the needs of rural and minority communities.

8. Any other provision of law or of this section to the contrary notwithstanding, state financial assistance shall not be provided pursuant to this section until the council has

(a) considered the useful life of the eligible project as such term is defined herein;

(b) determined the grant, loan or combined amount of state financial assistance to be provided; and

(c) executed an agreement to provide such assistance. Such agreement shall be executed by the council and the organization or, in the case of a leasehold or lease-purchase agreement, with the eligible nonprofit cultural organization and, where appropriate, the owner of the property for which the eligible project has been proposed. Any such agreement shall provide for the creation of a lien or other security interest or such other guarantee as shall be satisfactory to the council to assure repayment of financial assistance provided under this section. Such agreement shall assure that the length of a loan shall not exceed the useful life of the project and shall include, in addition to such other provisions as the council may require, the following:

(i) the amount of financial assistance, the terms and conditions upon which it is provided, the useful life of the eligible project and the method of depreciating the eligible project for purposes of the repayment provisions of the agreement;

(ii) a requirement that the organization provide the council with such prior notice as the council may require of a sale or other disposition of the subject property or of a termination of the lease prior to the expiration of such useful life or the expiration of the term of any loan made hereunder;

(iii) a requirement that, in the event of such sale or disposition of the property or termination of the lease prior to the expiration of the useful life or the expiration of the term of any loan made hereunder, the owner of the subject property or such other guarantor shall repay to the council an amount equal to that portion of the approved costs of the project financed by financial assistance provided under this section, less accumulated depreciation, as of the date of such sale,

disposition or termination, or, in the case of a loan or a combination of a grant and loan, repay an amount equal to the unpaid balance of the loan;

(iv) a requirement that, upon a finding by the council that a project has not been completed, or has not been completed in accordance with the terms of the agreement, the full amount of the financial assistance provided in the form of a grant, or the outstanding balance of financial assistance provided in the form of a loan shall be repaid to the council by the guarantor, provided that upon a showing of good cause by the organization the council shall grant an extension of up to ninety days from the date of such finding to allow the organization to complete the project in accordance with the terms of the agreement, and further provided that the council shall provide no more than two such extensions from the date of such finding to allow the organization to complete the project in accordance with the terms of the agreement.

9. In any case in which state financial assistance is provided in the form of a loan or as a combination of a grant and loan, the following shall additionally be included in the agreement:

(i) a requirement that the organization shall obtain, in addition to such other security as may be required by the council or by other provisions of law, an undertaking or surety bond from any person or entity which has contracted to perform work on an approved project to assure the faithful performance of such project and/or a labor and/or material bond as may be appropriate; and

(ii) a requirement that the authority shall provide such construction management services as have been specified and agreed to pursuant to paragraphs (d) and (e) of subdivision six of this section.

10. Any lien, security interest or guarantee established created under the provisions of subdivision eight or nine of this section shall be in addition to any other rights or obligations of the council under the provisions of the lien law or any other law.
11. The council shall cause to be filed and to be recorded in the office of the county clerk in the county where the subject property is situated any lien or other security interest as may be required to assure repayment of financial assistance in accordance with the provisions of this section. The department of law shall provide such assistance as the council may require to create and perfect any such liens or other security interests.
12. (a) All contracts for design, construction, services and materials pursuant to this section of whatever nature and all documents soliciting bids or proposals therefor shall contain or make reference to the following provisions:
  - (i) That the contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, or marital status, and will undertake or continue existing programs of affirmative action to ensure that minority group persons and women are afforded equal opportunity without discrimination. Such programs shall include, but not be limited to, recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, rates of pay or other forms of compensation, and selection for training and retraining, including apprenticeship and on-the-job training;
  - (ii) That the contractor shall request any employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding and which is involved in the performance of the contract to furnish a written statement that it will not discriminate because of race, creed, color, national origin, sex, age, disability or marital status and it will cooperate in the implementation of the contractor's obligations hereunder;

(iii) That the contractor will state, in any solicitations or advertisements for employees placed by or on behalf of the contractor in the performance of the contract, that all qualified applicants will be afforded equal employment opportunity without discrimination because of race, creed, color, national origin, sex, age, disability or marital status;

(iv) That the contractor will include the provisions of subparagraphs (i) through (iii) of this paragraph in every subcontract or purchase order in such a manner that such provisions will be binding upon each subcontractor or vendor as to its work in connection with the contract with the agency.

(b) The council shall establish appropriate measures, procedures and guidelines to ensure that contractors and subcontractors undertake meaningful programs to employ and promote qualified minority group members and women. Such procedures may require after notice in a bid solicitation, the submission of a minority and women workforce utilization program prior to the award of any contract, or at any time thereafter, and may require the submission of compliance reports relating to the operation and implementation of any workforce utilization program adopted hereunder. The council may take appropriate action, including the impositions of sanctions for non-compliance to effectuate the provisions of this subdivision and the monitoring of compliance with this subdivision.

(c) (i) In the performance of projects pursuant to this section, minority and women-owned business enterprises shall be given the opportunity for meaningful participation. For purposes hereof, minority business enterprise shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock or other voting interest is owned by citizens or permanent resident aliens who are Black, Hispanic, Asian, American Indian, Pacific Islander, or Alaskan native, and such ownership interest is real, substantial and continuing

and has the authority to independently control the day to day business decisions of the entity for at least one year; and women-owned business enterprise shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock to other voting interests of which is owned by citizens or permanent resident aliens who are women, and such ownership interest is real, substantial and continuing and has the authority to independently control the day to day business decisions of the entity for at least one year. The provisions of this subdivision shall not be construed to limit the ability of any minority business enterprise to bid on any contract.

(ii) In order to implement the requirements and objectives of this section, the council shall request, as appropriate, the assistance of other state agencies to monitor the contractors' compliance with provisions hereof, provide assistance in obtaining competing qualified minority and women-owned business enterprises to perform contracts proposed to be awarded, and take other appropriate measures to improve the access of minority and women-owned business enterprises to these contracts.

13. In approving applications pursuant to this section, the council shall seek to insure that:

(a) sixty percent of the funds appropriated pursuant to this section and made available for grants, and sixty percent of the funds made available for loans shall be made available in such a manner as to insure that the ratio of the amount received within each county to the whole of the financial assistance made available pursuant to this paragraph is no greater than the ratio of the population of such county to the population of the state, provided;

(b) notwithstanding the provisions of paragraph (a) of this subdivision the council shall make such additional allocations for rural and minority communities as to insure that the needs of cultural development are met; and

(c) any funds made available pursuant to paragraph (a) or (b) of this subdivision which, by December thirty-first of the year in which this section shall have become a law, and October thirty-first of each year thereafter are declined by or which cannot be used by such organizations within such counties, and/or such communities, as such shall be determined by the council, shall be made available to other eligible nonprofit cultural organizations for eligible projects.

14. Any other provision of this section or of any other law to the contrary notwithstanding, the council shall provide a reasonable amount not exceeding seven and one-half percent of the funds appropriated pursuant to this section to organizations located in rural or minority communities, as such shall be determined by the council, to obtain technical and/or financial assistance necessary to bring a project to fruition, provided, however that this subdivision shall only be effective until March thirty-first, nineteen hundred eighty-nine.
15. The council shall establish a written policy recognizing the importance of and making provision to further cultural development in rural and minority communities, as such shall be determined by the council. Copies of the council policy concerning minority and rural cultural development shall be provided to the senate finance and the assembly ways and means committees.
16. To insure effective evaluation of applications made to it for financial assistance under this section at least three or one-fourth whichever is less of the persons designated by the chairman to provide a review of such application shall be licensed professional engineers. Such engineers shall be chosen for their expertise in the disciplines critical to the design process including but not limited to structural, mechanical and electrical and acoustical. The recommendations made by such engineers concerning each application shall be considered specifically and apart from the reviews of any other persons designated to provide a review of such applications, and, any other provision of any other law to the contrary notwithstanding, such engineers may be designated to conduct audits or may be retained as consultants by the council. Nothing contained herein shall

prevent the council from meeting the requirements of this subdivision by retaining an engineering firm as a consultant. Nothing contained in this subdivision shall be deemed to affect quorum requirements of any review group or panel established by the chairman to review such applications, or to require the presence of all of such engineers at each such meeting of each such review group or panel. The council shall establish appropriate quorum requirements for this panel or review group.

17. In the event an eligible organization fails to make a payment on a loan or fails to make any other payment required under the provisions of this section, the council shall inform the comptroller of such failure and of the amount overdue, which amount the comptroller may recover from any payments due from the state to the eligible organization, including local assistance payments.
18. The council shall adopt guidelines within sixty days of the effective date of this section, and shall promulgate rules and regulations not later than September first, nineteen hundred eighty-eight as are necessary to carry out the purposes and provisions of this section. In addition to any other requirements set forth by this section, the council shall, in establishing such guidelines, rules and regulations, delimit the application process, provide for an appeals procedure, establish the written policy required by subdivision fifteen of this section and establish procedures for the recoupment of financial assistance provided in the event that a project is not completed or not completed as proposed by the applicant organization. Copies of such rules and regulations shall be provided at least sixty days prior to the time they shall be effective to the senate finance committee and the assembly ways and means committee.
19. The council shall report to the governor, the temporary president of the senate, the speaker of the assembly, the chairs of the senate finance committee and assembly ways and means committee not later than January fifteenth of each year concerning the amounts appropriated and expended pursuant to this section, the number of applications received, the total amount of financial assistance requested, the total number of applications funded, the amount of funding provided, and such other information as the chairman shall deem appropriate, including any

recommendations for program improvement, recommendations for increasing the total amount of funding from state and nonstate sources available to increase total funds for projects available to the arts and cultural community of this state, in particular for rural and minority communities, and identification of and proposals for removing barriers or limits faced by communities in accessing the program or in maximizing use of funds provided hereunder.

**3.09.** Assistance of other agencies. To effectuate the purposes of this article, the council on the arts may request from any department, board, bureau, commission or other agency of the state, and the same are authorized to provide, such assistance, services and data as will enable the council properly to carry out its powers and duties hereunder.

**3.11.** Grants by council; consideration to certain applicants. In issuing grants to applicants for council funds in the area of the performing arts the council may give consideration to the applicant's demonstration of an ability to enhance the state's capacity to attract tourists as evidenced by showing that significant numbers of persons in such audiences are or will be attracted to the applicant's geographical area by reason of such applicant's program and evidence of advertising and publicity designed and planned in such a manner as to reach potential audiences from outside the applicant's geographical area.

**3.13.** Participation in programs to promote progress and scholarship in the humanities and the arts.

1. As used in this section, the following terms shall mean and include:
  - a. "Municipal Corporation". A county, city, town, village, or school district of the state, or a board of higher education in a city having a population of one million or more.
  - b. "National foundation act". The national foundation on the arts and humanities act of nineteen hundred sixty-five and any federal laws amendatory or supplemental thereto heretofore or hereafter enacted.
2. Any municipal corporation shall have power, either individually or jointly with one or more other municipal corporations, to apply for, accept, and expend funds

made available by the federal government pursuant to the provisions of the national foundation act in order to administer, conduct or participate with the federal government in a program which has as its purpose the promotion of progress and scholarship in the humanities and the arts. Any such municipal corporation is authorized to appropriate and expend such sums as are required to administer, conduct, or participate in any such program and may perform any and all acts necessary to effectuate the purposes of any such program.

3. Any municipal corporation, either individually or jointly with one or more other municipal corporations, may enter into agreements with private, non-profit agencies which are authorized to apply for and accept funds made available by the federal government pursuant to the provisions of the national foundation act. Such agreements may provide that funds, services, or facilities will be made available by any such municipal corporation or municipal corporations to such private, non-profit agency upon such terms and conditions as may be prescribed by such municipal corporation or municipal corporations, in order to defray that portion of the cost of any program administered by any such private, non-profit agency which is not paid for by funds made available by the federal government. Such private, non-profit agency shall file annually with each such municipal corporation with which it has entered into such an agreement, or at such more frequent periods as may be required by such municipality, a financial report with respect to such program or programs and shall make available for inspection or audit by each such municipal corporation, its books, records and other data.
4. No funds, services, or facilities shall be made available by a municipal corporation to a private, non-profit agency pursuant to the provisions of subdivision three of this section unless such agency has obtained approval of its application for a federal grant-in-aid as required by the provisions of the national foundation act, and its program is designed to promote progress and scholarship in the humanities and the arts within the municipal corporation or municipal corporations with which it has entered into such an agreement.

\* \*\*3.15. Shared use space grant.

1. Within amounts appropriated or made available, the council shall develop and maintain a pilot grant program for the purposes of helping working artists secure shared use facilities in the cities of Rochester, Syracuse, Kingston and New York.
2. For purposes of this section, the term "shared use facility" shall mean a space which provides an artist either studio, performance or gallery space in which to practice or display his or her art form, and living quarters that meet all applicable local and state housing ordinances and statutes.
3. Grants authorized pursuant to this section shall be for a two-year term, and may cover any portion of rent or lease payments necessary to secure a shared use facility, but shall not exceed twelve thousand dollars. No grant provided pursuant to a cooperative agreement between multiple artists shall exceed twenty thousand dollars. Community arts organizations shall be eligible for a two-year grant, not to exceed twenty thousand dollars, to assist artists in establishing or maintaining shared use facilities. Arts organizations may use grant funds for organization efforts that provide assistance to artists in the form of shared use production or performance space and as direct financial assistance for artists renting shared use facilities.
4. Special consideration shall be given to cooperative agreements between multiple artists provided that each artist on such application fully utilizes such shared use facilities for studio, performance or gallery space and as living quarters.
5. The council shall annually report to the mayors of the cities of Rochester, Syracuse, Kingston, and New York regarding the impact of the pilot grant program established by this section on the arts community in each such city. Information to be included in each such report shall include, but shall not be limited to, the number of applications for grants that were received by the council for each city, the number of grants awarded to artists in each city, the total dollar amount of grants awarded in each city, the increase in the number of artists living in such city, a general statement setting forth the overall effect that the provisions of this section have had on preserving artistic influence in such city and any other information that the council determines to be relevant.

\* NB Repealed December 31, 2012

\*\* Reauthorized for 5 years

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK

TITLE 9. EXECUTIVE DEPARTMENT

SUBTITLE W. NEW YORK STATE COUNCIL ON THE ARTS

PART 6400. AVAILABILITY OF RECORDS FOR PUBLIC INSPECTION AND COPYING

Current through August 31, 2013

(Statutory authority: Public Officers Law, §§ 84-90)

**\* Section 6400.0.\* Purpose.**

The purpose of this Part is to set forth the methods and procedures governing the availability of records of the New York State Council on the Arts subject to the provisions of article 6 of the Public Officers Law, known as the Freedom of Information Law.

**\* Section 6400.1.\* Definitions.**

For the purposes of this Part:

- (a) the term council means the New York State Council on the Arts, a State agency;
- (b) the term record or records means any file, memorandum, document or other matter referred to in section 86 of the Freedom of Information Law;
- (c) the term executive director means the executive director of the council; and
- (d) the term records access officer means an employee of the council from time to time designated by the executive director to receive and respond to inquiries to inspect and copy records maintained by the council.

**\* Section 6400.2.\* Procedure for obtaining records.**

(a) The records access officer shall be the custodian of the records of the council. Any person wishing to inspect and/or obtain a copy of such records may make application in writing to the records access officer, designating, in a reasonably specific manner, the record or records sought. Requests should be addressed to: Records Access Officer, New York State Council on the Arts, 80 Centre Street, New York, New York 10013. Applications for inspection of records may also be made in person to the records access officer at the council's offices at 80 Centre Street, New York, New York 10013, during regular working hours on each business day the council is open to the public. In such instances, applicants will be required to furnish a written request for records, which may be on a form provided by the records access officer, listing the records requested.

(b) A request shall reasonably describe the record or records sought. Whenever possible, a person requesting records should supply information regarding dates, file designations or other information that may help to describe the records sought.

(c) The council shall respond to any request reasonably describing the record or records sought within five business days of receipt of the request.

(d) If the records access officer does not provide or deny access to the record sought within five business days of receipt of a request, he or she shall furnish a written acknowledgment of receipt of the request and a statement of the approximate date when the request will be granted or denied. If access to records is neither granted nor denied within 10 business days after the date of acknowledgment of receipt of a request, it shall be construed as a denial of access that may be appealed.

(e) Should a requested record be currently in use by the council, the inspection of said record by an applicant may be reasonably delayed until the record is available.

**\* Section 6400.3.\* List of records.**

On behalf of the council, the records access officer shall maintain and make available for inspection a list of the types of records kept by the council.

**\* Section 6400.4.\* Fees.**

The fee for photocopies of records shall be 25 cents per page not exceeding 8 1/2 inches by 14 inches in size. The fee for other types of copies shall be such reasonable amount as the records access officer shall establish. Notwithstanding the above, the records access officer may, in his or her discretion, waive all or any portion of the fees authorized by this section for any record or class of records. At the request of any applicant, the records access officer shall certify, free of charge, that any record made available to the public pursuant to this Part is a genuine copy of a council record. There shall be no fee for inspection of records or for searching for records.

**\* Section 6400.5.\* Grant or denial of access to records.**

Unless the records access officer determines that an application to inspect and/or copy records pertains to information that is exempt from disclosure under the Freedom of Information Law, he or she shall grant the application. If the records access officer determines that an application to inspect and/or copy records pertains to information exempted from disclosure by the Freedom of Information Law, he or she may deny such application. In denying the application to inspect and/or copy records, the records access officer shall indicate his or her reason for such denial and shall advise the applicant of his or her right to appeal such denial to the executive director.

**\* Section 6400.6.\* Appeals.**

Any person whose application to inspect or copy records has been denied pursuant to section 6400.5 of this Part may appeal such denial, within 30 days after the date thereof, to the executive director at 80

Centre Street, New York, New York 10013. Such appeal must be in writing and must set forth: the name and address of the applicant; the date of the request for records; the specific record(s) to which access was denied; whether the denial of access was in writing or was due to failure to provide records promptly in accordance with section 6400.2(d) of this Part; and the reasons, if any, given for such denial. The executive director shall, upon receipt of a written appeal, transmit a copy thereof to the Committee on Public Access to Records, review the matter and affirm, modify or reverse the denial. Within seven business days of receipt of the appeal, the executive director shall:

- (a) communicate his or her reasons for such determination to the person making the appeal;
- (b) inform such person of his or her right to appeal such affirmation or modification under article 78 of the Civil Practice Law and Rules; and
- (c) transmit to the Committee on Public Access to Records copies of the appeal and determination thereon.

**\* Section 6400.7.\* Effective date.**

The amended version of this Part shall take effect as of the date of filing with the Secretary of State.

**\* Section 6400.8.\* Severability.**

If any provision of this Part or the application thereof to any person or circumstance is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Part or the application thereof to other persons and circumstances.

**New York State Council on the Arts**

**PART 6401 FUNDING DECISION APPEALS**

**(Statutory authority: Arts and Cultural Affairs Law, § 3.05)**

Sec.

6401.0 Purpose

6401.1 Definitions

6401.2 Grounds for appeal

6401.3 Procedure for appeal

6401.4 Time limitations

6401.5 Appeals panel

6401.6 Council action on appeals

6401.7 Severability

**Section 6401.0 Purpose.**

The purpose of this Part is to set forth the procedure by which an applicant may appeal a New York State Council on the Arts decision denying in whole or in part its program request.

**6401.1 Definitions.**

For the purposes of this Part:

(a) The term council means the New York State Council on the Arts, a State agency.

(b) The term executive director means the executive director of the council.

(c) The term program request means an application to the council to contract for funding for a particular project or program.

(d) The term notification letter means a letter informing the applicant of the decision of the council regarding a program request.

(e) The term formal request to appeal means a written statement from an applicant informing the council that the applicant wishes to appeal a council decision which denied in whole or in part the applicant's program request.

(f) The term materials means the applicant's detailed written statement setting forth the grounds for appeal.

(g) The term reply letter means a letter from the executive director to the applicant in response to the formal request to appeal filed by the applicant.

(h) The term appeals panel means the body of the council which considers, on appeal, program request decisions of the council.

**6401.2 Grounds for appeal.**

(a) Limitation of grounds. There are only three grounds upon which an applicant may base an appeal, as set forth below. An applicant must state in writing which of these grounds it is relying upon in making an appeal. The applicant must state in detail the facts which make applicable the particular ground for appeal. This statement constitutes the materials, within the meaning of section 6401.1(f) of this Part and is to be submitted in accordance with section 6401.3(d). One, two or all three grounds may be alleged. The three grounds are:

(1) Non presentation of information. Information which an applicant made known to the council staff prior to the council's program request decision was not presented to the council and which, if presented, might have altered the council's decision.

(2) Misrepresentation of information. Information which an applicant made known to the council staff prior to the council's program request decision was distorted in its presentation to the council and which, if presented fairly, might have altered the council's decision.

(3) Improper procedure. The two possible bases for asserting this ground are (i) the review of the program request by the appropriate advisory panel was biased; or (ii) the program request decision of the council was arbitrary and capricious.

(b) Single appeal. An applicant is entitled to only one appeal for each program request.

(c) No further appeal. No appeal may be taken from a decision of the council regarding an appeal.

(d) Unresolved appeal. The existence of an unresolved appeal shall not preclude an applicant from making a program request in a subsequent year.

**6401.3 Procedure for appeal.** (a) Obtaining a verbal statement. After receiving the notification letter from the council, the applicant, as a preliminary step to appealing the council's decision, must by telephone or in person request a verbal statement of the basis for the council's decision. The request should be made to the program department referred to in the notification letter, which will then direct the applicant to an appropriate member of the council staff. That staff member will provide the statement over the telephone or, if the applicant arranges for an interview, in person.

(b) Formal request to appeal. Having been informed of the basis for the council's decision, the applicant may then decide to continue the appeals process. The applicant must submit to the executive director a formal request to appeal the council's decision, as defined in section 6401.1(e) of this Part. The formal request to appeal must be received by the executive director within the time limitations specified in section 6401.4 of this Part.

(c) Reply letter. Following receipt of the applicant's formal request to appeal, the executive director will send a reply letter to the applicant. The applicant's appeal will be assigned a date on which it will be considered by the appeals panel. The reply letter will also assign a deadline by which the applicant must submit the materials as defined in section 6401.1(f) of this Part. This deadline will be 14 days prior to the meeting of the appeals panel. For this subdivision only, if the deadline falls on a Saturday, Sunday or public holiday on which the council offices are closed, the deadline will be moved to the next succeeding day which is not a Saturday, Sunday or public holiday on which the council offices are closed.

(d) Materials. The applicant must submit to the executive director the materials, as defined in section 6401.1(f) of this Part, which will then be considered by the appeals panel in reviewing the appeal. The material must be received by the executive director within the time limitations specified in section 6401.4 of this Part.

**6401.4 Time limitations.**

(a) Submission of the formal request. The formal request to appeal, as defined in section 6401.1(e) of this Part, must be received by the executive director not later than 5 p.m. on the 21st day after the date of the notification letter.

(b) Submission of the materials. The materials, as defined in section 6401.1(f) of this Part, must be received by the executive director not later than 5 p.m. on the date specified in the reply letter as the dead-line for submission of the materials. This date shall be not less than seven days after the date of the reply letter.

(c) Calculation of days. Saturdays, Sundays and public holidays are to be counted in computing the number of days.

(d) Noncompliance. Failure by the applicant to comply with any deadline will result in the loss of the right to continue the appeal.

**6401.5 Appeals panel.**

(a) Membership. The council shall determine the number of members of the appeals panel, which shall be composed of not less than five members. The chairman of the council shall appoint the members of the appeals panel, and set their term of office.

(b) Meetings. The appeals panel shall meet periodically throughout the year, according to the schedule established annually by the executive director. The meetings shall be open to the public pursuant to the Open Meetings Law.

(c) Voting provisions. The appeals panel shall act by an absolute majority of the number of appeals panel members.

(d) Attendance by executive director. The executive director, or the nominee of the executive director, shall attend all meetings of the appeals panel.

(e) Notice. The executive director shall provide written notice to the applicant of the decision of the appeals panel.

**6401.6 Council action on appeals.**

(a) Appeals panel recommends that appeal brought on the basis of section 6401.2(a)(1) or (2) or 6401.2(a)(3)(ii) of this Part has merit. Should the appeals panel recommend that the appeal brought on the basis of section 6401.2(a)(1) or (2) or 6401.2(a)(3)(ii) of this Part has merit, the application will be reviewed de novo as soon as practicable by the staff, panel, committee and council, but if the recommendation is received after the disbursement of all council funds, the application shall be reviewed at the first funding meeting of the next year, under the guidelines of the previous year. A council decision on a program request that has been reviewed under this subdivision is final.

(b) Appeals panel recommends that an appeal brought on the basis of section 6401.2(a)(3)(i) of this Part has merit. Should the appeals panel recommend that an appeal brought on the basis of section 6401.2(a)(3)(i) has merit, the application will be reviewed as soon as practicable by the staff who will then forward the appeal directly to the appropriate committee which will then send it to the council, but if the recommendation is received after the disbursement of all council funds, the application shall be reviewed at the first funding meeting of the next year, under the guidelines of the previous year. A council decision on a program request that has been reviewed under this subdivision is final.

(c) Appeals panel recommends that appeal has no merit. A recommendation by the appeals panel that an appeal has no merit shall be presented to the council for action at the next regularly scheduled council meeting, or as soon thereafter as is practicable. Concurrence by the council in the recommendation of the appeals panel terminates the appeal process for that particular program request. A decision of the council, which reverses the recommendation of the appeals panel and finds that the appeal has merit, will result either in the remand of the application for de novo review by staff, panel, committee and council in the same manner as provided in subdivision (a) of this section, or, if the council so selects, in a de novo review and decision on funding by the council, without remand to staff, panel or committee.

**6401.7 Severability.**

If any provision of this Part or the application thereof to any person or circumstance is judged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Part or the application thereof to other persons and circumstances.

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK  
TITLE 9. EXECUTIVE DEPARTMENT  
SUBTITLE W. NEW YORK STATE COUNCIL ON THE ARTS  
PART 6402. ACCESS TO PERSONAL INFORMATION

Current through August 31, 2013

(Statutory authority: Public Officers Law, art. 6-A; Arts and Cultural Affairs  
Law, § 3.05[8])

**\* Section 6402.1.\* Purpose and scope.**

(a) It is the responsibility and the intent of the New York State Council on the Arts to fully comply with the provisions of article 6-A of the Public Officers Law, the Personal Privacy Protection Law.

(b) The council shall maintain in its records only such personal information that is relevant and necessary to accomplish a purpose of the council that is required to be accomplished by statute or executive order, or to implement a program specifically authorized by law.

(c) Personal information will be collected, whenever practicable, directly from the person to whom the information pertains.

(d) The council seeks to ensure that all records pertaining to or used with respect to individuals are accurate, relevant, timely and complete.

(e) These regulations provide information regarding the procedures by which members of the public may assert rights granted by the Personal Privacy Protection Law.

**\* Section 6402.2.\* Designation of privacy compliance officer.**

(a) The administrative officer of the council is hereby designated privacy compliance officer, and is responsible for ensuring that the agency complies with the provisions of the Personal Privacy Protection Law and the regulations in this Part, and for coordinating the agency's response to requests for records or amendment of records.

(b) The address and telephone number of the privacy compliance officer is: 80 Centre Street, New York, NY 10013, (212) 587-4579.

(c) Deputy privacy compliance officers, their names and/or titles, addresses and telephone numbers are hereby designated as follows: Personnel Clerk, New York State Council on the Arts, 80 Centre Street, New York, NY 10013, (212) 587-4579.

(d) The privacy compliance officer and/or his deputies are responsible for:

(1) assisting a data subject in identifying and requesting personal information, if necessary;

(2) describing the contents of systems of records orally or in writing in order to enable a data subject to learn if a system of records includes a record or personal information identifiable to a data subject requesting such record or personal information;

(3) taking one of the following actions upon locating the record sought:

(i) make the record available for inspection, in a printed form without codes or symbols, unless an accompanying document explaining such codes or symbols is also provided;

(ii) permit the data subject to copy the record; or

(iii) deny access to the record in whole or in part, and explain in writing the reasons therefor;

(4) making a copy available, upon request, upon payment of or offer to pay established fees, if any, or permitting the data subject to copy the records;

(5) upon request, certifying that a copy of a record is a true copy; and

(6) certifying, upon request, that:

(i) the council does not have possession of the record sought;

(ii) the council cannot locate the record sought after having made a diligent search; or

(iii) the information sought cannot be retrieved by use of the description thereof, or by use of the name or other identifier of the data subject without extraordinary search methods being employed by the council.

**\* Section 6402.3.\* Proof of identity.**

(a) When a request is made in person, or when records are made available in person following a request made by mail, the council may require appropriate identification, such as a driver's license, an identifier assigned to the data subject by the council, a photograph or similar information that confirms that the record sought pertains to the data subject.

(b) When a request is made by mail, the council may require verification of a signature or inclusion of an identifier generally known only by a data subject, or similar appropriate identification.

(c) Proof of identity shall not be required regarding a request for a record accessible to the public pursuant to article 6 of the Public Officers Law.

**\* Section 6402.4.\* Location.**

(a) Records shall be made available at the main office of the council, which is located at 80 Centre Street, New York, NY 10013.

**\* Section 6402.5.\* Hours for public inspection and copying.**

The council shall accept requests for records and produce records during all regular business hours.

**\* Section 6402.6.\* Requests for records.**

(a) Requests may be made in writing. Personal requests are possible upon the applicant's demonstration of proof of his or her identity.

(b) A request shall reasonably describe the record sought. Whenever possible, the data subject should supply identifying information that assists the council in locating the record sought.

(c) Requests based upon categories of information described in a notice of a system of records or a privacy impact statement shall be deemed to reasonably describe the record sought.

(d) Within five business days of the receipt of a request, the council shall provide access to the record, deny access in writing explaining the reasons therefor, or acknowledge the receipt of the request in writing, stating the approximate date when the request will be granted or denied, which date shall not exceed 30 days from the date of the acknowledgment.

**\* Section 6402.7.\* Amendment of records.**

Within 30 business days of a request from a data subject for correction or amendment of a record or personal information that is reasonably described and that pertains to the data subject, the council shall:

(a) make the amendment or correction, in whole or in part, and inform the data subject that, on request, such correction or amendment will be provided to any person or governmental unit to which the record or personal identification has been or is disclosed pursuant to paragraph (d), (i) or (l) of subdivision 1 of section 96 of the Public Officers Law; or

(b) inform the data subject in writing of its refusal to correct or amend the record, including the reasons therefor.

**\* Section 6402.8.\* Denial of request for a record or amendment or correction of a record or personal information.**

(a) Denial of a request for records or amendment or correction of a record or personal information:

(1) shall be in writing, explaining the reasons therefor; and

(2) identifying the person to whom an appeal may be directed.

(b) A failure to grant or deny access to records within five business days of the receipt of a request or within 30 days of an acknowledgment or the receipt of a request, or a failure to respond to a request for amendment or correction of a record within 30 business days of receipt of such a request, shall be construed as a denial that may be appealed.

(c) Any such denial may be appealed to: Executive Director, New York State Council on the Arts, 80 Centre Street, New York, NY 10013.

**\* Section 6402.9.\* Appeals.**

(a) Any person denied access to a record or denied a request to amend or correct a record or personal information pursuant to section 6402.8 of this Part may, within 30 days of such denial, appeal to: Executive Director, New York State Council on the Arts, 80 Centre Street, New York, NY 10013.

(b) The time for deciding an appeal shall commence upon receipt of an appeal that identifies:

(1) the date and location of a request for a record or amendment or correction of a record or personal information;

(2) the record that is the subject of the appeal; and

(3) the name and return address of the appellant.

(c) Within seven business days of an appeal or a denial of access, or within 30 days of an appeal concerning a denial of a request for correction or amendment, the person determining such appeals shall:

(1) provide access to or correct or amend the record or personal information; or

(2) fully explain in writing the factual and statutory reasons for further denial, and inform the data subject of the right to seek judicial review of such determination pursuant to article 78 of the Civil Practice Law and Rules.

(d) If, on appeal, a record or personal information is corrected or amended, the data subject shall be informed that, on request, the correction or amendment will be provided to any person or governmental unit to which the record or personal information has been or is disclosed pursuant to paragraph (d), (i) or (l) of subdivision 1 of section 96 of the Public Officers Law.

(e) The council shall immediately forward to the Committee on Open Government a copy of any appeal made pursuant to this Part upon receipt. Upon making a determination with respect to such appeal, the council will forward a copy of such determination to the Committee on Open Government.

**\* Section 6402.10.\* Statement of disagreement by data subject.**

(a) If correction or amendment of a record or personal information is denied in whole or in part upon appeal, the determination rendered pursuant to the appeal shall inform the data subject of the right to:

(1) file with the council a statement, of reasonable length, setting forth the data subject's reasons for disagreement with the determination; and

(2) request that such a statement of disagreement be provided to any person or governmental unit to which the record has been or is disclosed pursuant to paragraph (d), (i) or (l) of subdivision 1 of section 96 of the Public Officers Law.

(b) Upon receipt of a statement of disagreement by a data subject, the council shall:

(1) clearly note any portions of the record that are disputed; and

(2) attach the data subject's statement as part of the record.

(c) When providing a data subject's statement of disagreement to a person or governmental unit in conjunction with a disclosure made pursuant to paragraph (d), (i) or (l) of subdivision 1 of section 96 of the Public Officers Law, the council may also include a concise statement of its reasons for not making the requested amendment or correction.

**\* Section 6402.11.\* Fees.**

(a) Unless otherwise prescribed by statute, there shall be no fee charged for:

(1) inspection of records;

(2) search for records; or

(3) any certification pursuant to this Part.

(b) Unless otherwise prescribed by statute, copies of records shall be provided:

(1) at a rate equal to the council's cost per photocopy up to 9 x 14 inches, multiplied by the total number of pages required to be photocopied; or

(2) upon payment of the actual cost of reproduction, if the record or personal information cannot be photocopied at the council's office.

(c) The actual cost of reproduction shall be based upon the average unit cost for copying a record, excluding fixed costs of the council such as operator salaries and overhead.

**\* Section 6402.12.\* Severability.**

If any provision of this Part or the application thereof to any person or circumstance is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Part or the application thereof to other persons and circumstances.

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK  
TITLE 9. EXECUTIVE DEPARTMENT  
SUBTITLE W. NEW YORK STATE COUNCIL ON THE ARTS  
PART 6403. GENERAL REGULATIONS GOVERNING THE NEW YORK STATE COUNCIL ON THE  
ARTS' OPERATIONS AND PROCEDURES

Current through August 31, 2013

(Statutory authority: Arts and Cultural Affairs Law, § 3.05[8])

**\* Section 6403.0.\* Purpose.**

The purpose of this Part is to set forth the general regulations that govern the operations and procedures of the New York State Council on the Arts, a State agency.

**\* Section 6403.1.\* Definitions.**

For the purposes of this Part:

(a) The term council means the governing body of the New York State Council on the Arts. The council shall consist of 20 individuals appointed by the Governor.

(b) The term council committees means the committees that are established to review funding requests from the individual program departments of the council. Council committees are composed of members of the council and they review and vote upon each request for funding in each application after it has been reviewed by the council's staff and the appropriate advisory panel. Each council committee makes funding recommendations to the council. Each council committee shall have at least five members, all of whom shall be members of the council.

(c) The term advisory panel means an advisory body of the council that reviews the requests for funding in each application after it has been reviewed by members of the council staff. Advisory panels are composed of qualified individuals selected by the chairman and approved by the council to collectively advise and assist the council in the cultural funding process.

(d) The term funding request means a request or application for public funds by an applicant to the council in order to accomplish a public purpose for the cultural benefit of the people of the State of New York.

(e) The term grant means an allocation of funds by the council to an applicant pursuant to a cultural services contract to accomplish a public purpose of support and stimulation of the arts.

(f) The term cultural services contract means a contract between a recipient of public funds and the council on behalf of the State of New York.

**\* Section 6403.2.\* Meetings.**

(a) The council and council committees.

(1) Open meetings. The council and council committees are public bodies as defined by section 102(2) of the Open Meetings Law. All meetings of the council and council committees shall be open to members of the public in accordance with section 103(a) of the Open Meetings Law.

(2) Public notice. The council shall provide advance notice of council and council committee meetings to the public and to the news media by publishing the time and place of all such meetings in its newsletters, press releases and by other means to provide sufficient public notice pursuant to section 104 of the Open Meetings Law.

(3) Executive sessions. Upon a majority vote of the total authorized membership of the council or a council committee taken in an open meeting pursuant to section 105(1) of the Open Meetings Law, identifying the particular subject matter to be discussed and the specific grounds authorizing executive session, the council or any council committee may conduct an executive session in accordance with section 105(1)(f) of the Open Meetings Law. Section 105(1)(f) of the Open Meetings Law permits the council and council committees to conduct executive sessions when discussing:

(i) the medical, financial, credit or employment history of a particular applicant for funding, or an officer or employee of such applicant; or

(ii) matters leading to the appointment, employment, promotion, discipline, suspension, dismissal or removal of a particular applicant for funding or an officer or employee of such applicant. The council or council committees may also conduct executive sessions in accordance with the other subsections of section 105 of the Open Meetings Law.

(4) Minutes. The council shall maintain and publish minutes of all open and executive sessions of the council and council committees pursuant to section 106 of the Open Meetings Law. Minutes taken at open meetings shall contain a summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. Minutes shall be taken at executive sessions of any action that is taken by formal vote which shall consist of a record or summary of the final determination of such actions, and the date and vote thereon; provided, however, that such summary need not include any matter which is not required to be made public by the Freedom of Information Law.

(b) The council advisory panels. The advisory panels shall act as advisory bodies of the council and shall review and analyze information that is collected by the staff with respect to applicants for council funding. The advisory panels shall review each request for funding and submit final recommendations to the appropriate council committee. The council committees shall consider the recommendations of the advisory panels and the basis for such recommendations. The advice and recommendations of the advisory panels are not final determinations of the council. Meetings of the advisory panels may be conducted in private pursuant to the council's authority under the Arts and Cultural Affairs Law, section 3.05(4).

**\* Section 6403.3.\* Quorums and voting.**

(a) The council and council committees shall convene, conduct business, vote and act in accordance with the quorum and voting provisions of section 41 of the General Construction Law.

(1) The council.

(i) Quorums and voting. The council shall convene and conduct business and vote on council matters only in the presence of a quorum consisting of an absolute majority of the total authorized membership of the council. The council shall act only upon the vote of an absolute majority of the total authorized membership of the council.

(b) Council committees.

(1) Quorums and voting. Each council committee shall convene and conduct business and vote on council matters only in the presence of a quorum consisting of an absolute majority of the total authorized membership of the council committee. Each council committee shall act only upon the vote of an absolute majority of the total authorized membership of the council committee.

**\* Section 6403.4.\* Advisory panel selection and membership.**

(a) Qualifications. The advisory panels shall consist of individuals from the public who are qualified and knowledgeable in their particular field of endeavor pertaining to the arts, selected to review the funding applications in their particular program area.

(b) Selection. Advisory panelists shall be chosen by the chairman with the approval of the council. The council shall solicit annually nominations of panelists from the staff, current panelists, council members and members of the arts constituency and the general public.

(1) Solicitation of nominations. The council shall actively solicit nominations for qualified advisory panelists through its newsletter, press releases and other publications, and shall inform all parties and members of the public of the appropriate time to submit nominations.

(2) Nominations. Nominations for advisory panelists shall be made in writing, shall state the qualifications of the nominee and shall include a resume of the person being nominated. An individual may nominate himself or herself. Nominations shall be sent or delivered to the executive director's office at the council.

(c) Membership. The term of each advisory panel member is one year. Members may be reappointed by the chairman with the approval of the council for a term of up to three years. In general, a panelist serving three consecutive years will not be reappointed. Each advisory panel shall have no fewer than seven members and no more than fifteen members. Vacancies which arise on any advisory panel shall be filled or left vacant at the discretion of the chairman.

(d) Unaffiliated members. The chairman shall use his or her best efforts to appoint at least two unaffiliated members who are not affiliated with any applicant reviewed by the advisory panel on which he or she sits. Affiliation is further defined in the council's code of ethics. Each panelist shall be required

to act with utmost impartiality with respect to all applications, including the applications of other affiliated panelists.

**\* Section 6403.5.\* Council guidelines.**

The council shall publish guidelines at least biennially. The purpose of the council's guidelines shall be to provide all interested members of the public with a general overview of the council's operations and procedures. Copies of the guidelines shall be available during regular business hours at the office of the council upon request. The guidelines shall include the following information:

(a) Description of council programs. The guidelines shall include information about the various artistic programs of the council and the specific funding categories within each such program.

(b) Eligibility criteria. The guidelines shall identify the specific criteria which will be used to determine the eligibility of organizations which apply to the council for funding. Eligibility criteria may vary from year to year depending on the language of the annual appropriations bill passed by the New York State Legislature. Eligibility is limited to nonprofit organizations.

(c) Funding policy and funding criteria. The guidelines shall contain:

(1) a general statement of the council's funding policy; and

(2) the particular funding criteria, priorities and restrictions to be taken into account in reaching its decisions in each individual program. The council's funding policy, substantive criteria and restrictions shall, inter alia, implement and apply the intentions of the New York State Legislature as set forth in legislation and the annual appropriations bill and as defined by the council and the New York State Division of the Budget.

(i) Funding criteria. The council will, without limitation, take the following factors into account in making its funding decisions on the basis of the criteria prescribed by the individual program guidelines:

(a) quality of the program proposed by the applicant;

(b) managerial and fiscal competence of the applicant, including its capability to carry out the proposed project(s);

(c) service to the public which will result from the applicant's proposed project(s), including number of people served, and the applicant's efforts to widen and/or diversify its audience. In determining whether a proposed project will provide a service to the public, the phrase public performance should be understood to mean an activity that is open to the general public and to which any interested person has access. It does not include activities for which attendance is not voluntary or for which institutional membership is a requirement for admission;

(d) nature and extent of the applicant's planned efforts to educate, interpret and orient the public about the proposed project;

(e) scarcity or availability of comparable services in the same geographic area; and

(f) nature and extent of other available public and private support, whether monetary, in-kind, membership or other.

(ii) Funding restrictions. The council will, without limitation, take the following funding restrictions into account in making its funding decisions. The council is unable or unlikely to fund:

(a) requests for capital expenditures;

(b) requests for major expenditures for the establishment of new organizations;

(c) requests for programs of public school districts or their components or affiliates;

(d) requests for programs of public universities or their affiliates or of New York State agencies and departments;

(e) requests for operating expenses and fellowships at professional training schools that are not open to the general public;

(f) requests for activities restricted to an organization's membership (funded activities must be open to the general public and advertised as such);

(g) requests for programs that are essentially recreational, rehabilitational or therapeutic;

(h) requests for operating expenses or privately owned facilities ( e.g., homes and studios);

(i) requests that are greater than an organization's total operating expenses minus total operating income;

(j) requests for those portions of the budgets of organizations that are not directed toward programs in New York State; and

(k) requests for entertainment costs (e.g., theatre parties, museum openings, receptions and fundraising benefits).

(d) Council organization. The guidelines shall include an overview of the council's review process and a description of the functions of the staff, the advisory panels, the council committees and the council. The guidelines shall also outline the requirements of the application process for those who wish to apply for funds in accordance with this section. The guidelines shall further contain a brief description of the cultural services contract which funded organizations must execute upon receiving funding from the council and shall outline the grounds for appeal and the process which is available to applicants who wish to appeal a funding decision of the council.

(e) Forms and instructions. The guidelines shall include or describe the necessary application forms and provide explanatory instructions for completing such forms.

(f) Open meetings. The guidelines shall inform the public of the council's open meeting policy as stated in section 6403.2 of this Part.

(g) Freedom of information. The guidelines shall inform the public of the right to obtain access to records and documents in accordance with the Freedom of Information Law.

**\* Section 6403.6.\* Funding decisions.**

(a) Notification. The council shall notify each applicant of its funding decision in writing within 30 days of the council meeting at which the final decision is made.

(b) Statement of reasons. Upon written request, an applicant that has been denied funding or that receives a grant for less than the requested amount, shall receive a written explanation of the council's decision within 60 days of such request. Such explanation shall include a statement of the facts and findings relied upon, and the reasons underlying the council's decisions.

**\* Section 6403.7.\* Cultural services contract.**

Applicants that receive favorable funding decisions from the council must enter into a cultural services contract with the council, detailing the obligations of the applicant upon receiving its grant. All cultural services contracts require compliance with the New York State Finance Law and the New York State Labor Law and prohibit discrimination by recipients of council funds based on race, creed, color, national origin, sex, age, disability or marital status.

**\* Section 6403.8.\* Severability.**

If any provision of this Part or the application thereof to any person or circumstance is judged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Part or the application thereof to other persons or circumstances.

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK  
TITLE 9. EXECUTIVE DEPARTMENT  
SUBTITLE W. NEW YORK STATE COUNCIL ON THE ARTS  
PART 6404. PROCEDURE FOR SUBMISSION AND REVIEW OF APPLICATIONS TO CAPITAL  
INITIATIVE PROGRAM

Current through August 31, 2013

(Statutory authority: Arts and Cultural Affairs Law, § 3.07[18])

**CROSS REFERENCES:**

State Financial Assistance for Improvement, Expansion or Rehabilitation of  
Existing Buildings, Art and Cultural Affairs Law § 3.07.

**RESEARCH REFERENCES AND PRACTICE AIDS:**

96 NY Jur 2d, State of New York § 77.

40 Am Jur 2d, Housing Laws and Urban Redevelopment §§ 2, 3, 21.

**\* Section 6404.0.\* Purpose.**

The purpose of this Part is to set forth the methods and procedures for implementing the Capital Initiative Program established under section 3.07 of the Arts and Cultural Affairs Law. Financial assistance shall be provided under the Capital Initiative Program for the improvement, expansion or rehabilitation of existing buildings for arts purposes. In addition, such modifications may increase or assure public access, may address known health or safety deficiencies, may provide for handicapped accessibility, or may address energy conservation measures or such other purposes which may reduce the organization's operating costs related to its building. Other substantive projects which are in keeping with the spirit and intent of the above-stated purposes may also receive financial assistance.

**\* Section 6404.1.\* Policy.**

In carrying out the intent of the Capital Initiative Program, it is the stated policy of the council to promote cultural development in rural and minority communities. The council will effect this policy by giving particular attention to the capital needs of arts groups located in and serving these communities.

**\* Section 6404.2.\* Definitions.**

For the purposes of this Part:

(a) The term council means the New York State Council on the Arts, a State agency.

(b) The term financial assistance means the funds applied for and/or received under the Capital Initiative Program for up to 50 percent of the approved costs of an eligible project, which funds may be provided in the form of a grant, in the form of a loan or in any combination thereof.

(c) The term panel means the Capital Initiative Panel, composed of qualified individuals and engineers selected by the council chairman and approved by the council, and established for the purpose of reviewing applications to the Capital Initiative Program and making recommendations to the appropriate council committee with respect to approval or denial of such applications.

(d) The term program guidelines means the New York State Council on the Arts Program Guidelines for the current State fiscal year.

(e) The term project means the capital project that the applicant seeks to finance with the financial assistance.

**\* Section 6404.3.\* Eligibility.**

(a) An organization shall be eligible to apply for financial assistance if it:

(1) is a current applicant to the council for funding under one or more of the council's other funding programs;

(2) has received funding from the council in each of the prior three State fiscal years;

(3) is not approved for financing for the project from any other State assistance program during the current fiscal year in which the application is made; and

(4) can demonstrate:

(i) ownership of a condominium, a building or part of a building;

(ii) ownership of shares representing a cooperative interest in a building;

(iii) possession of a lease-purchase interest in a building or part of a building; or

(iv) possession of a lease in a building or part thereof having an unexpired term of five years or an unexpired term of three years with an option to renew such lease for an additional term of two years or more.

(b) No organization shall be eligible to receive financial assistance for more than three years in any consecutive five-year period.

(c) Applications of eligible public universities, their components and affiliate organizations shall not be considered by the council prior to December 31st in any State fiscal year.

**\* Section 6404.4.\* Application requirements.**

In order for an application to be deemed complete and eligible for panel review, each applicant shall:

(a) demonstrate that adequate operating support and resources will be available at the completion of the project to provide an improved or increased level of service;

- (b) submit verification that the remaining cost of the project, exclusive of the amount of financial assistance, has been or will be obtained;
- (c) demonstrate that the project will be completed promptly and in accordance with the application;
- (d) either demonstrate that the operation of the organization will be made more economical or efficient as a consequence of approval or demonstrate that health and safety concerns will be addressed or access to handicapped provided;
- (e) submit a statement from an architect, an engineer or an attorney providing that the project shall be conducted in accordance with all applicable Federal, State and local laws and regulations;
- (f) submit two or more written estimates from contractors solicited by the applicant to perform work on the project in order to demonstrate that competitive bidding procedures have been followed;
- (g) provide the council with a lien on the property or a personal guarantee from a member of the applicant's board of directors, or such other individuals satisfactory to the council, to secure repayment of the funds granted or loaned in the event that repayment pursuant to section 6404.12 of this Part becomes necessary;
- (h) provide the council with an assessment of the useful life of the project, which shall be determined by referring to the terms of probable life set forth in section 61 of the New York State Finance Law; and
- (i) demonstrate that all contracts for the project will be executed in accordance with the affirmative action requirements set forth in section 3.07(12) of the Arts and Cultural Affairs Law.

**\* Section 6404.5.\* Application procedure.**

Each application for financial assistance shall be submitted to the council by the eligible organization. The procedures for submitting an application to the council are set forth in the program guidelines, which can be obtained by all applicants from the council. Requests for copies of the program guidelines should be sent to: New York State Council on the Arts, 915 Broadway, New York, NY 10010.

**\* Section 6404.6.\* Review by dormitory authority.**

Any application for financial assistance for a project whose total cost equals or exceeds the sum of \$300,000, which is deemed acceptable after preliminary review by the council, shall be submitted to the Dormitory Authority of the State of New York for technical review. In addition, the council, in its discretion, may submit any application, irrespective of the amount of financial assistance requested or the total project cost, to the Dormitory Authority for technical review. The Dormitory Authority shall evaluate the application for each project so submitted and provide the council with a written recommendation for approval or disapproval of the request for financial assistance.

**\* Section 6404.7.\* Affirmative action requirements.**

Every applicant must comply with the affirmative action requirements set forth in section 3.07(12) of the Arts and Cultural Affairs Law. In order to comply, all applicants must include specific antidiscrimination language in all contracts with contractors and vendors that will perform work or provide services in connection with the project, and must require all such contractors and vendors to include such antidiscrimination language in any subcontracts entered into in connection with work or services to be performed on the project. In addition, certain applicants will be required to undertake and to require their contractors to undertake certain affirmative action measures in connection with any work to be performed on the project. The antidiscrimination language and the affirmative action requirements are set forth in detail in the council's Affirmative Action Guidelines for Applicants, Grantees, Contractors and Subcontractors Participating in New York State Council on the Arts' Capital Initiative (the "Guidelines"). The Guidelines shall automatically be mailed by the council to all applicants to the Capital Initiative Program, or can be obtained by sending a request to Contract Compliance Officer, New York State Council on the Arts, 915 Broadway, New York, NY 10010.

**\* Section 6404.8.\* Panel requirements.**

(a) The panel shall be comprised of at least 11 members, three of whom shall be licensed professional engineers. The recommendations made by such engineers concerning each application shall be considered independently from the reviews of other panel members.

(b) The engineers serving on the panel may be designated by the council to conduct audits or act as consultants to the council in connection with the review of applications.

(c) The quorum requirements set forth in section 41 of the New York General Construction Law shall govern any vote or the taking of any action by the panel. Nothing contained in this section shall be deemed to affect quorum requirements or to require the presence of all such engineers at any panel meeting.

(d) The advice and recommendations of the panel shall not be final determinations of the council.

(e) In addition to the panel requirements set forth in this section, the panel shall be governed by the advisory panel procedures set forth under Part 6403 of this Title.

**\* Section 6404.9.\* Funding criteria.**

In addition to the funding criteria set forth in the program guidelines, the panel shall consider the following factors in its review of applications to Capital Initiative Program:

(a) the condition of the existing building;

(b) quality of the project's design in conjunction with the qualifications of the project's consultants;

(c) the analysis of need as provided in a feasibility study or other documentation required by the council;

(d) the available resources for the project;

- (e) the nature of the activities proposed to take place at the site which is the subject of the application;
- (f) impact on the community;
- (g) where appropriate, the needs of rural or minority communities;
- (h) a statement of the fiscal resources of the applicant which shall be set forth in any one of the following documents prepared by or for the applicant during the applicant's prior fiscal year: a financial statement prepared by a certified public accountant, an annual statement of income and expenses, a Federal tax return with all itemizations and breakdowns, or a long form report from the Office of Charities Registration of the New York Department of State; and
- (i) if the application is for a loan, the applicant's ability to successfully meet all commitments under the loan.

**\* Section 6404.10.\* Appeals.**

Any applicant denied financial assistance may file an appeal if entitled under Part 6401 of this Title. The appeals procedures set forth under Part 6401 of this Title shall govern any appeal filed pursuant to this section.

**\* Section 6404.11.\* Cultural services contract.**

Every applicant granted financial assistance shall be required to execute a cultural services contract with the council. The procedures for entering into a cultural services contract are described in detail in the program guidelines.

**\* Section 6404.12.\* Repayment of funds.**

(a) The organization shall provide the council with 30 days prior notice of any sale or other disposition of the property or termination of the lease which occurs prior to the expiration of the useful life of the project or, if financial assistance was provided in the form of a loan, prior to the expiration of the term of the loan. Upon receipt of such notice, the council shall require the owner of the property or the guarantor to repay to the council:

- (1) if financial assistance was provided in the form of a grant, an amount equal to that portion of the approved costs of the project financed by the financial assistance less accumulated depreciation as of the date of such sale, disposition or termination;
- (2) if financial assistance was provided in the form of a loan, an amount equal to the unpaid balance of the loan; or
- (3) if financial assistance was provided in a combination of a grant and a loan, an amount equal to:
  - (i) the grant portion less accumulated depreciation; and
  - (ii) the unpaid balance of the loan portion.

(b) In the event that the council finds that a project is not completed, or is not completed in accordance with the terms of the cultural services contract, the council shall notify the organization which received financial assistance of the breach and shall either foreclose on the lien obtained on the property or require the guarantor to repay the full amount of the financial assistance provided in the form of a grant or the outstanding balance of financial assistance provided in the form of a loan within 30 days of such notice; provided, however, that upon a showing of good cause by the organization, the council shall grant an extension on the time period in which to foreclose or require repayment of up to 90 days from the date of such finding to allow the organization to complete the project in accordance with the terms of the cultural services contract. The council shall not permit more than two such extensions.

**\* Section 6404.13.\* Severability.**

If any provision of this Part or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Part or the application thereof to other persons and circumstances.

## 10 Regional Councils



**Western New York:** Allegany, Cattaraugus, Chautauqua, Erie, Niagara

**Finger Lakes:** Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates

**Southern Tier:** Broome, Chemung, Chenango, Delaware, Schuyler, Steuben, Tioga, Tompkins

**Central New York:** Cayuga, Cortland, Madison, Onondaga, Oswego

**Mohawk Valley:** Fulton, Herkimer, Montgomery, Oneida, Otsego, Schoharie

**North Country:** Clinton, Essex, Franklin, Hamilton, Jefferson, Lewis, St. Lawrence

**Capital Region:** Albany, Columbia, Greene, Saratoga, Schenectady, Rensselaer, Warren, Washington

**Mid-Hudson:** Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester

**New York City:** Bronx, Kings, New York, Richmond, Queens

**Long Island:** Nassau, Suffolk

## Definition of Planning Meetings & Participant Lists

### Total Meetings Held

|                            |           |
|----------------------------|-----------|
| <b>Council</b>             | <b>3</b>  |
| <b>Staff</b>               | <b>2</b>  |
| <b>Agency Stakeholders</b> | <b>6</b>  |
| <b>Peer State Agencies</b> | <b>3</b>  |
| <b>Total</b>               | <b>17</b> |

### Council Meetings

Council members were convened three times during the planning process. The first meeting (February 26, 2014), facilitated by Jonathan Katz, National Assembly of State Arts Agency, outlined the planning process and context and solicited the Council's thoughts on the work plan's main priorities. The Council reconvened on June 9, 2014 to review the first draft of the plan and provide feedback. On October 2, 2014, the Council convened for a final time to accept the agency work plan.

### Staff Meetings

Staff members were convened three times during the planning process. The first meeting (February 27, 2014), facilitated by Jonathan Katz, National Assembly of State Arts Agency, outlined the planning process and context and solicited the staff's thoughts on the work plan's main priorities. The staff reconvened on June 10, 2014 to review the first draft of the plan and provide feedback.

Council and staff were invited to provide input throughout the work plan development process, not only on the content, but on participants in the stakeholder meetings and the public survey.

### Stakeholder Convenings

In an effort to develop an inclusive, well-rounded agency work plan the New State Council on the Arts invited a diverse group stakeholders to participate in four meetings based on the participant's relationship to the agency and the sector.

Arts Funders & Thought Leaders – March 19, 2014

Partnership & Regrant Grantees – March 19, 2014

Non-Arts Specific Stakeholders – March 20, 2014

Grantees – March 20, 2014

At each meeting Jonathan Katz, NASAA, facilitated a meaningful discussion about reality and needs of New York State's arts, cultural & heritage sector.

All meetings were held at NYSCA offices in New York, NY. Please see the full list of participating organizations below.

### Focus Groups

Select attendees from the stakeholder meeting were invited to participate in one of two focus groups, convened via conference call. The 90 minute meetings were held on May 20 and May 21, 2014

### Participating Organizations

|  |   |                   |
|--|---|-------------------|
| A Blade of Grass                       | Socially Engaged Arts Organization                | New York          |
| Amerinda                               | Native American Arts Organization                 | New York          |
| Arts and Democracy Project             | Community Arts Organization                       | Brooklyn          |
| Arts Council for Wyoming County        | Community Arts Organization                       | Wyoming           |
| Arts Mid-Hudson                        | Community Arts Organization                       | Dutchess          |
| Asian American Arts Alliance           | Asian American Cultural Organization              | Brooklyn          |
| Briarcliff Manor Schools               | Education   | Westchester       |
| Cabinet Magazine                       | Arts & Culture Magazine                           | Brooklyn          |
| Carnegie Hall Corporation              | Music, Presenting                                 | New York          |
| Cause Effective                        | Non-Profit Advisors                               | New York          |
| City Lore                              | Folk  | Manhattan         |
| Clarkson University                    | Higher Education                                  | St. Lawrence      |
| Clemente Soto Velez Cultural Center    | Puerto Rican/Latin American Cultural Organization | New York          |
| CNY Arts                               | Community Arts Organization                       | Onondaga          |
| Consultant                             | Community Arts Organization                       | Bronx             |
| Consultant                             | Design, Photography                               | New York          |
| Consultant                             | Museums   | Delaware          |
| Consultant                             | Literature  | Long Island & NYC |
| Dance Service New York City            | Dance, Arts Services Organization                 | New York          |
| Empire State College                   | Higher Education                                  | Westchester       |
| Franklin Furnace                       | Avante Garde Art                                  | Brooklyn          |
| Gebbie Foundation                      | Community Foundation                              | Chautauqua        |
| Glimmerglass Opera                     | Opera   | Otsego            |
| Gotham Early Music Scene               | Music   | New York          |
| Jacques Marchais Museum of Tibetan Art | Museum  | Staten Island     |
| Kavelman Group Philanthropic Advisors  | Philanthropic Consultant                          | New York          |
| Lower Manhattan Cultural Council       | Community Arts Organization                       | New York          |
| Lower Manhattan Cultural Council       | Community Arts Organization                       | New York          |
| Lubovitch Dance Foundation             | Dance   | New York          |
| Museum Association of NY               | Museum  | Rensselaer        |
| Museum of the American Indian          | Museum  | Brooklyn          |
| New Music USA                          | Music, Arts Services Organization                 | New York          |
| New York Community Trust               | Foundation  | New York          |
| New York Council on the Humanities     | Community Foundation                              | New York          |
| New York Council on Non Profits        | Community Arts Organization                       | Albany            |

|  |  |             |
|--|--|-------------|
| New York Foundation for the Arts                         | Community Arts Organization            | New York    |
| New York State Afterschool Network                       | Education                              | New York    |
| Orpheus Chamber Orchestra                                | Music                                  | New York    |
| Proctor's Theatre  | Theatre                                | Schenectady |
| Rochester Community Foundation                           | Community Foundation                   | Monroe      |
| Smithsonian/Cooper Hewitt                                | Design, Museums                        | New York    |
| Southern Tier West Regional Planning & Development Board | Economic Development                   | Cattaraugus |
| Teachers and Writers Collaborative                       | Arts Education                         | New York    |
| The New York Landmarks Conservancy                       | Historic Preservation                  | New York    |
| Theater et al, Inc.                                      | Theatre, Presenting                    | Queens      |
| Theatre Development Fund                                 | Theatre                                | New York    |
| Upper Manhattan Empowerment Zone                         | Economic Development                   | New York    |
| Wave Farm / free103point9                                | Media Art, Community Arts Organization | Greene      |
| Women's Studio Workshop                                  | Community Arts Organization            | Ulster      |

### **New York State Offices & Agencies Convenings**

The New York State Council on the Arts works closely with its peer state agencies and aimed to further those synergies through this planning process and the resulting work plan. Towards that end, NYSCA invited its peer state agencies to participate in one of three hour long conference calls. The conference calls took place on May 13 and May 15, 2014 and were facilitated by NASAA.

The insights shared will assist the agency to align with New York State's existing services and to develop statewide synergies and strategies.

### **Participating New York State Offices & Agencies**

|   |   |
|---|---|
| Department of Education                   | New York State Parks Recreation & Historic Preservation |
| Department of Environmental Conservation  | Office for Aging  |
| Department of State                       | Office for People with Developmental Disabilities       |
| Department of Transportation              | Office for the Prevention of Domestic Violence          |
| Division of Human Rights                  | Office of General Services, Financial Analyst           |
| Empire State Development, I LOVE NEW YORK | Office of Information Technology Services               |
| Environmental Facilities Corporation      | Office of Mental Health                                 |
| Governor's Office of Employee Relations   | Office of Victim Services                               |
| New York State Canals                     |   |
| New York State Homes & Community Renewal  |   |

### Executive Director Statewide Tours

Beginning in 2012, NYSCA's Executive Director Lisa Robb has toured the state to host a series of large constituent meetings, visit grantee to meet with staff and board members, and meet with regional funders, foundation and local elected officials. These meetings, and the insights uncovered, further informed NYSCA's work plan. Below is a list of those the counties visited:

| County      | Region                  |
|-------------|-------------------------|
| Albany      | Capitol Region          |
| Onondaga    | Central New York Region |
| Monroe      | Finger Lakes Region     |
| Suffolk     | Long Island Region      |
| Ulster      | Mid-Hudson Region       |
| Westchester | Mid-Hudson Region       |
| Oneida      | Mohawk Valley           |
| New York    | New York Region         |
| Clinton     | North Country Region    |
| Essex       | North Country Region    |
| Franklin    | North Country Region    |
| Jefferson   | North Country Region    |
| Chautauqua  | Western Region          |
| Erie        | Western Region          |

The constituent meetings attracted applicants, grantees and regrantees from across the region and offered the chance to discuss organizational, sectorial and regional needs and learn about changes at NYSCA. In many cases regional arts councils and the host organizations also invited all entities on their contact list. These meetings ranged in size from 15 to 80 attendees depending on region.

### **State Agency Plan Review**

Throughout the planning process NYSCA reviewed a number of strategic plans from peer state arts agency's for guidance and inspiration. The following agency plans best informed NYSCA's process and work plan:

- Montana Arts Council
- Michigan Council for Arts and Cultural Affairs\*
- New Jersey State Council on the Arts\*
- Wisconsin Arts Board\*
- Georgia Council for the Arts\*
- California Arts Council\*
- Maryland State Arts Council
- Hawai'i State Foundation on Culture and the Arts
- Washington State Arts Commission
- Kentucky Arts Council

\*NYSCA's Executive Director met with these agencies

**New York State Council on the Arts Public Survey**  
***Open to the Public 7/7/14 – 8/4/14***

The New York State Council on the Arts (NYSCA), a New York State government agency, needs your help. As the agency develops its long-term plan to advance the role of arts, culture and heritage in the lives of the state's citizens, visitors and communities it is crucial we hear directly from the public.

In this brief survey we'd like to learn about your experiences with arts, culture and heritage, as well as the role you feel they should play in your community and the state.

Your feedback will help NYSCA's plan align with the values and priorities of the state's citizens.

We hope you'll take 10 minutes to fill out this anonymous survey. Please feel free to share the survey with friends and family. Thank you!

Those questions marked with a red asterisk (\*) are required.

**1. \* How do you participate in arts, culture and heritage? Please check all that apply.**

- Attend arts events (performances, exhibitions, festivals, etc.)
- Volunteer at an arts, culture, heritage event or organization
- Employed by a nonprofit arts, culture, heritage organization
- Board member of a nonprofit arts, culture, heritage organization
- Professional artist, performer or musician
- Employed in a creative industry
- Informal/amateur artist, performer or musician
- Arts educator
- Other educator
- Student studying arts, culture, heritage or artistic practices
- Purchase arts, crafts, recordings or other creative products
- No participation in arts, culture, heritage
- Other

**2. Have you participated in any of the following arts, culture or heritage activities in person during the past 12 months? Please check all that apply.**

|   |  |
|---|--|
| Visited an art museum or gallery                        |  |
| Visited a creative retail shop                          |  |
| Visited a heritage museum or historic site              |  |
| Viewed an outdoor sculpture or other public art display |  |

|   |  |
|---|--|
| Attended a high school or elementary student artistic performance or exhibition                     |  |
| Attended a music performance of any genre   |  |
| Attended a theatre performance  |  |
| Attended an opera or musical theatre performance  |  |
| Attended a dance performance  |  |
| Attended a media art exhibition   |  |
| Attended a comedy performance   |  |
| Attended a live public reading or recitation (poetry, literature, etc.)                             |  |
| Watched musicians or other performers in open public spaces (streets, train stations, etc.)         |  |
| Attended an arts, culture, heritage festival or art fair  |  |
| Watched a movie   |  |
| Read a book or literary magazine (not using an e-reader or an online platform)                      |  |
| Performed or practiced any artistic discipline  |  |
| Created artworks of my own  |  |
| Participated in an art-making or arts appreciation class  |  |
| I have not participated in any arts, culture or heritage activities in person in the past 12 months |  |

**3. \* How frequently did you participate in arts, culture or heritage activities in person during the past 12 months?**

Daily

Multiple times each week

Multiple times each month

Once a month

Once every three months

Less frequently than once every three months

I did not participate

**4. Did you do any of the following activities online during the past 12 months? Please check all that apply.**

|   |  |
|---|--|
| Viewed artworks (paintings, photographs, sculpture, etc.)           |  |
| 'Liked' or 'followed' an arts, culture and heritage on social media |  |
| Explored a historic/heritage website                                |  |
| Listened to a music performance of any genre                        |  |
| Viewed a theatre or dance performance                               |  |

|   |  |
|---|--|
| Viewed an opera or musical theatre performance  |  |
| Viewed a comedy performance   |  |
| Watched a movie   |  |
| Read a book or literary magazine on an e-reader or online platform                            |  |
| Shared my own creative works  |  |
| Visited a creative retail shop website  |  |
| Participated in an art-making or arts appreciation class                                      |  |
| Accessed art history references or resources  |  |
| I did not participate in any on-line arts, culture, heritage activities in the past 12 months |  |

**5. \* How frequently did you participate in arts, culture or heritage online during the past 12 months?**

- Daily
- Multiple times each week
- Multiple times each month
- Once a month
- Once every three months
- Less frequently than once every three months
- I did not participate

**6. In the past 12 months, did you travel outside of your immediate community to participate in arts, culture, heritage activities and events?**

- Yes
- No

**7. (If yes) What was the furthest distance you traveled within the state of New York to participate in arts, culture or heritage activities or events?**

- To a nearby community
- To an adjacent county or borough
- To a different region of the state
- None of the above

- 8. Below are factors that might affect a person's participation in arts, culture or heritage events. Please indicate how important each factor is in your own decisions to participate.**

| <b>Factor</b>                                     | <b>Not at all important</b> | <b>Slightly important</b> | <b>Neither important nor unimportant</b> | <b>Important</b> | <b>Very important</b> | <b>No Opinion</b> |
|---|-----------------------------|---------------------------|--|------------------|-----------------------|-------------------|
| Information on available activities               |                             |                           |  |                  |                       |                   |
| Content that interests me                         |                             |                           |  |                  |                       |                   |
| Opportunities to make or create art               |                             |                           |  |                  |                       |                   |
| Personal amount of free time                      |                             |                           |  |                  |                       |                   |
| Family/All-age appropriate                        |                             |                           |  |                  |                       |                   |
| Invitations or recommendations from people I know |                             |                           |  |                  |                       |                   |
| Reviews or recommendations from the media         |                             |                           |  |                  |                       |                   |
| Affordability                                     |                             |                           |  |                  |                       |                   |
| Distance of activities from my home               |                             |                           |  |                  |                       |                   |
| Availability of public transportation             |                             |                           |  |                  |                       |                   |
| Disability accommodations                         |                             |                           |  |                  |                       |                   |

- 9. \*How do you learn about arts, culture, heritage activities in your community? Please check all that apply.**

Community bulletin board  
 Newspaper  
 E-mail  
 Friends/Family  
 Online calendar  
 Mail  
 Television  
 Radio  
 Social media

Websites/Blogs

Other

**10. How are arts, culture and heritage activities and events important to you, your community or your family?***{Open ended—limit to 250 characters}***11. \*Prior to taking this survey, were you familiar with the programs and activities of the New York State Council on the Arts (NYSCA)?**

Yes

No

Somewhat familiar

In case you didn't know, NYSCA ensures public access, support artistic excellence and creativity and strengthen the states' arts, culture and heritage sector through its core grantmaking function and staff services.

- In FY2013-2014, NYSCA awarded approximately 1,875 grants to more than 1,250 nonprofit cultural organizations
- More than half of those organizations had a budget size under \$500,000

**12. \* What role should the New York State Council on the Arts have in serving the state's citizens and its visitors?**

| Role   | Strongly Disagree | Disagree | Neither Agree nor Disagree | Agree | Strongly Agree | No Opinion |
|--|-------------------|----------|----------------------------|-------|----------------|------------|
| Promote the public benefit of New York state arts, culture, heritage resources |                   |          |                            |       |                |            |
| Support quality arts, culture and heritage learning opportunities for children |                   |          |                            |       |                |            |
| Support quality arts, culture and heritage learning opportunities for adults   |                   |          |                            |       |                |            |
| Broaden access to arts, culture and heritage activities for underserved groups |                   |          |                            |       |                |            |

|   |  |  |  |  |  |  |
|---|--|--|--|--|--|--|
| Support nonprofits and artists that provide arts, culture and heritage activities   |  |  |  |  |  |  |
| Improve community vitality and economic development   |  |  |  |  |  |  |
| Support jobs in the arts, culture, heritage sector  |  |  |  |  |  |  |
| Support NYS role as a global leader in arts, culture, heritage  |  |  |  |  |  |  |
| Improve health and well-being in my community   |  |  |  |  |  |  |
| Attract visitors to my community/region   |  |  |  |  |  |  |
| Expand arts, culture and heritage opportunities or funding by working with other New York state agencies (e.g., parks and recreation, economic development, tourism, health and human services) |  |  |  |  |  |  |
| I don't think the state should support arts, culture, or heritage activities  |  |  |  |  |  |  |

**13. How else do you think the New York State Council on the Arts could benefit your community and the state?**

*{Open ended—limit to 250 characters}*

***Tell Us about Yourself***

Just a few more questions. Please share as much of the information below as wish to. We'll use the information to understand who responded to this survey. All information is captured anonymously.

**14. \* In what county do you live?**

*{Drop-down menu}*

**15. \* What is your home ZIP code?**

**16. Which best describes your neighborhood or community?**

Rural  
Suburban  
Urban

**17. What is your estimated annual household income?**

Less than \$34,999  
\$35,000 - \$74,999  
\$75,000 - \$149,999  
\$150,000 or more

**18. \* Do children under the age of 18 live in your household?**

Yes  
No

**19. How did you learn about this survey?**

NYSCA e-mail  
NYSCA website (arts.ny.gov)  
Local arts, culture, heritage organization  
Friend/Family  
Social media  
Newspaper  
Blog or other website  
Radio/Television  
Other

If you're interested in learning more about NYSCA's planning process and the results of this survey please enter your e-mail here:

If you are not affiliated with an organization, you have reached the end of the survey. Please click submit. Thank you for your responses.

Thank you for completing the New York State Council on the Arts Planning Survey!

The results of this survey will be posted on our [website](#) in Fall 2014.

If you work, volunteer or have an affiliation with a New York State arts, culture, heritage organization we invite you to complete the final segment of this survey.

**1. \* Do you work, volunteer or have an affiliation with an arts, culture or heritage organization located in New York State?**

Yes

No

*{If yes, the following questions are revealed:}*

**2. \* In what county is the organization located?**

*{Drop-down menu}*

**3. \* What is the ZIP code of the organization's physical address?**

**4. \* Which best describes the communities served by the organization?**

Rural

Suburban

Urban

**5. \* Please indicate the organization's operating budget in 2014-2015.**

Less than \$50,000

\$50,001-\$100,000

\$100,001-\$250,000

\$250,001-\$500,000

\$500,001-\$1,000,000

\$1,000,001-\$5,000,000

\$5,000,001 or more  
I'm not Sure

**6. \*Please select the artistic discipline primary to the organization's mission.**

Arts education  
Dance  
Design arts  
Folk arts  
Literature  
Media arts  
Multidisciplinary  
Music  
Theater  
Visual arts  
Other

**7. \* Has the organization received a grant or regrant from NYSCA in the past 3 years?**

Yes  
No  
Not sure

*{Revealed if "no":}*

**1. Does the organization intend to apply for a grant or regrant from NYSCA or a NYSCA regrant program in the future?**

Yes  
No  
Not sure

*{Revealed if "no":}*

**1. Why doesn't the organization plan to apply to NYSCA?**

Unaware of NYSCA's available grants  
Organization is not eligible for funding  
The application process is too time consuming  
I don't know  
Other

*{Revealed if "yes":}*

**1. If the organization has received NYSCA funds, what benefits did the grant provide?  
Please check all that apply:**

- Supported new/innovative programming or artistic work
- Supported efficient/effective operations
- Helped achieve artistic goals/mission
- Made activities more accessible to underserved community members
- Improved the quality of activities and services
- Increased the organization's visibility
- Provided opportunities for lifelong learning
- Expanded community/economic development opportunities
- Served as an endorsement for the organization's work
- Helped secure additional funds
- Helped attract partnering organizations and opportunities
- Helped the organization make a better case to public officials
- Preserved jobs or created new jobs
- Other
- Not sure

**8. Is there any other comment you would like to share with NYSCA?  
Open Ended – 250**

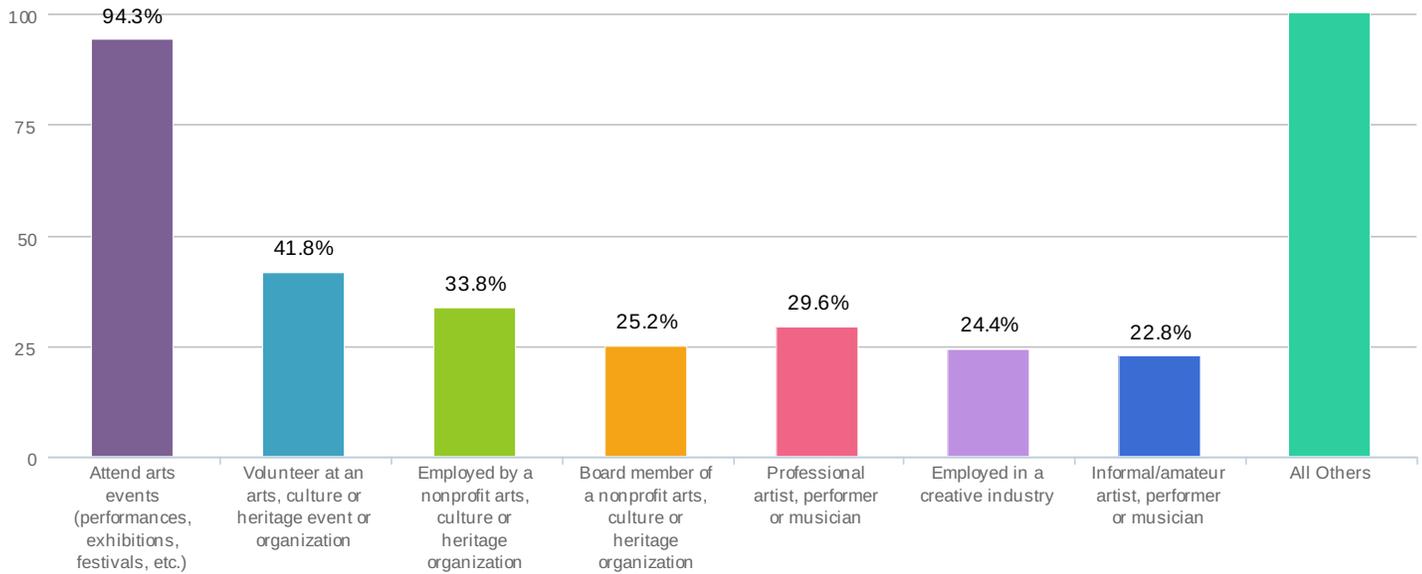
Thank you for completing the New York State Council on the Arts Planning Survey!

The results of this survey will be posted on our website ([arts.ny.gov](http://arts.ny.gov)) in Fall 2014.

---

## New York State Council on the Arts 2014 Public Survey -- Initial Findings Report --

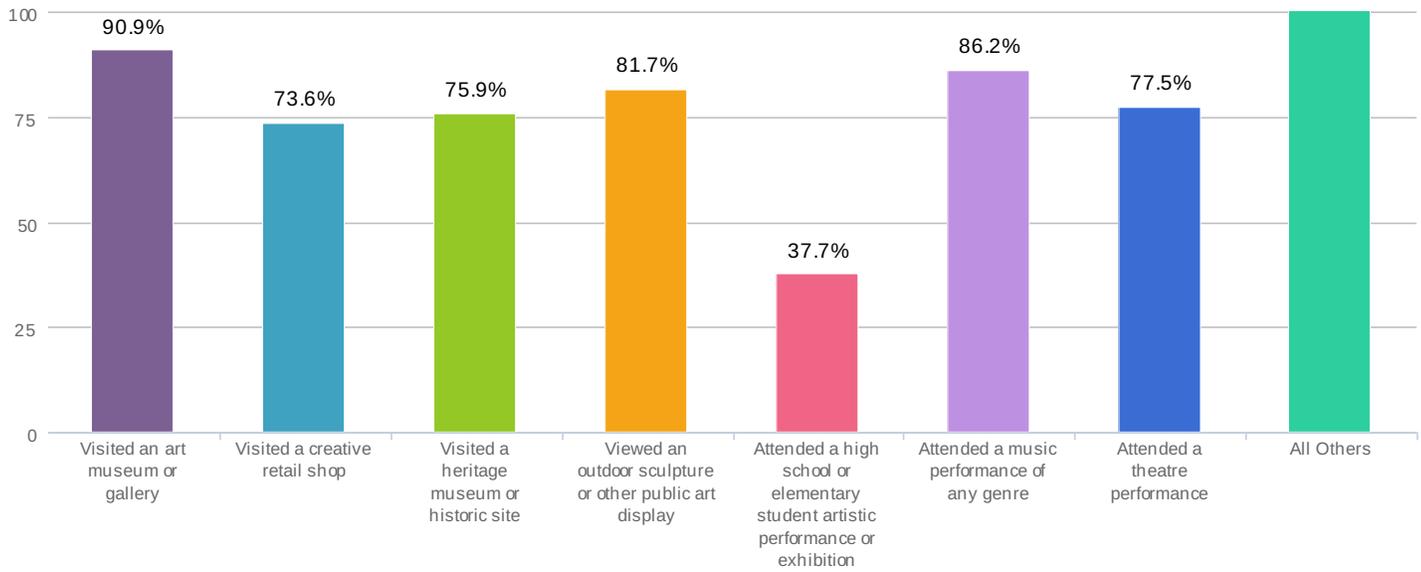
### 1. How do you participate in arts, culture and heritage?



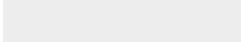
|  |       |              |              |
|--|-------|--------------|--------------|
| Attend arts events (performances, exhibitions, festivals, etc.)    | 94.3% |              | 3,464        |
| Volunteer at an arts, culture or heritage event or organization    | 41.8% |              | 1,536        |
| Employed by a nonprofit arts, culture or heritage organization     | 33.8% |              | 1,240        |
| Board member of a nonprofit arts, culture or heritage organization | 25.2% |              | 925          |
| Professional artist, performer or musician                         | 29.6% |              | 1,088        |
| Employed in a creative industry                                    | 24.4% |              | 898          |
| Informal/amateur artist, performer or musician                     | 22.8% |              | 836          |
| Arts educator  | 19.1% |              | 703          |
| Other educator   | 10.2% |              | 375          |
| Student studying arts, culture, heritage or artistic practices     | 9.3%  |              | 342          |
| Purchase arts, crafts, recordings or other creative products       | 60.5% |              | 2,223        |
| No participation in arts, culture or heritage                      | 0.6%  |              | 21           |
| Other  | 7.6%  |              | 278          |
|  |       | <b>Total</b> | <b>3,674</b> |



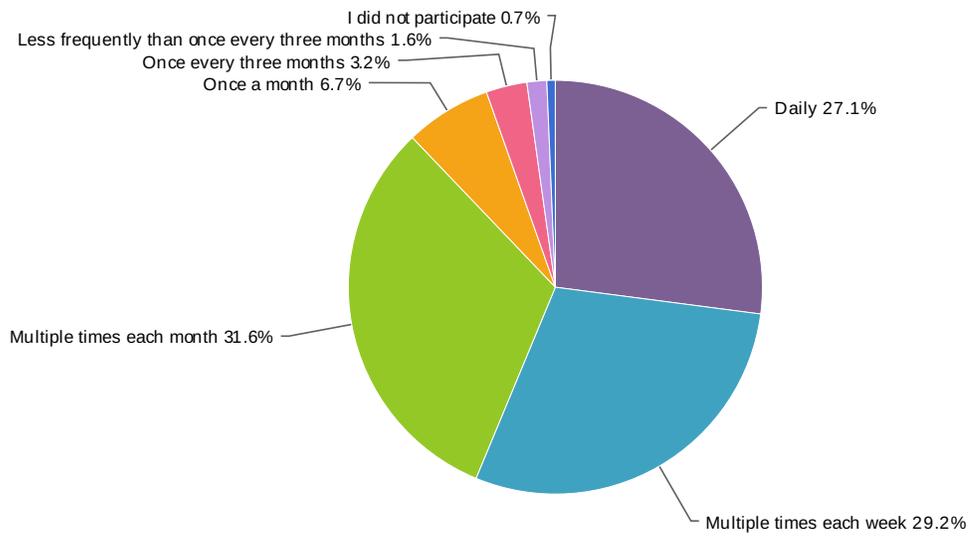
2. Have you participated in any of the following arts, culture or heritage activities in person during the past 12 months?



|   |       |  |       |
|---|-------|--|-------|
| Visited an art museum or gallery  | 90.9% |  | 3,332 |
| Visited a creative retail shop  | 73.6% |  | 2,697 |
| Visited a heritage museum or historic site  | 75.9% |  | 2,782 |
| Viewed an outdoor sculpture or other public art display                                     | 81.7% |  | 2,994 |
| Attended a high school or elementary student artistic performance or exhibition             | 37.7% |  | 1,382 |
| Attended a music performance of any genre   | 86.2% |  | 3,159 |
| Attended a theatre performance  | 77.5% |  | 2,842 |
| Attended an opera or musical theatre performance  | 61.7% |  | 2,261 |
| Attended a dance performance  | 49.6% |  | 1,819 |
| Attended a media art exhibition   | 42.6% |  | 1,563 |
| Attended a comedy performance   | 23.5% |  | 862   |
| Attended a live public reading or recitation (poetry, literature, etc.)                     | 30.8% |  | 1,128 |
| Watched musicians or other performers in open public spaces (streets, train stations, etc.) | 72.0% |  | 2,639 |
| Attended an arts, culture or heritage festival or art fair                                  | 60.7% |  | 2,225 |
| Watched a movie   | 90.7% |  | 3,324 |
| Read a book or literary magazine (not using an e-reader or an online platform)              | 87.1% |  | 3,193 |
| Performed or practiced any artistic discipline  | 57.7% |  | 2,114 |
| Created artworks of my own  | 49.5% |  | 1,815 |

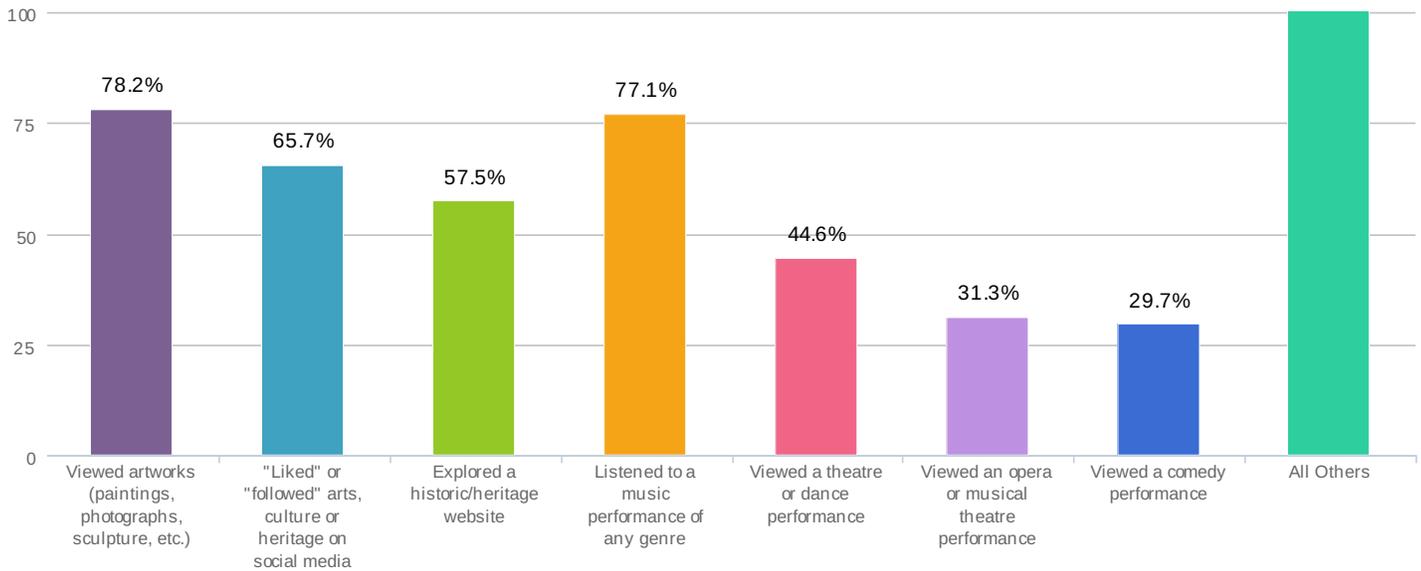
|   |       |  |       |
|---|-------|--|-------|
| Participated in an art-making or arts appreciation class  | 21.4% |   | 783   |
| I have not participated in any arts, culture or heritage activities in person in the past 12 months | 0.3%  |  | 9     |
| Total   |       |  | 3,666 |

3. How frequently did you participate in arts, culture or heritage activities in person during the past 12 months?



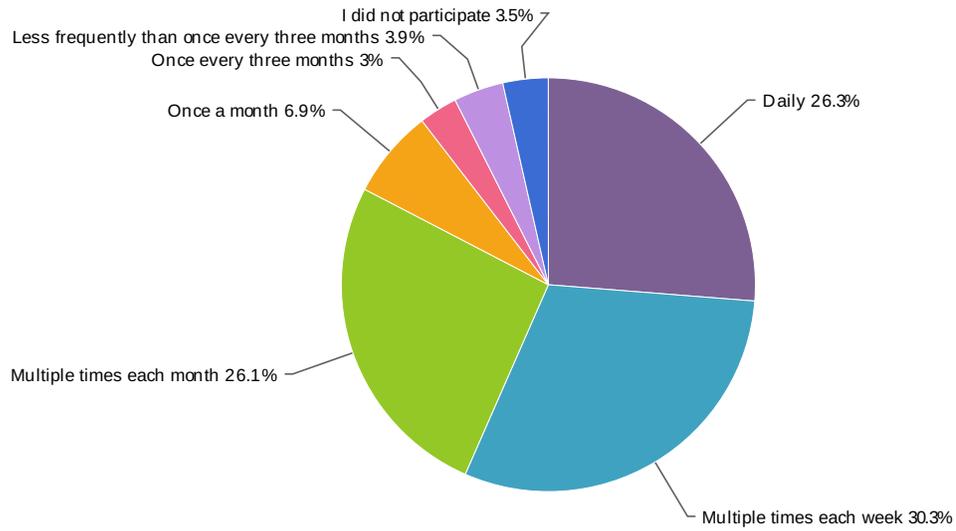
|  |       |   |       |
|--|-------|---|-------|
| Daily  | 27.1% |  | 993   |
| Multiple times each week                     | 29.2% |  | 1,071 |
| Multiple times each month                    | 31.6% |  | 1,160 |
| Once a month                                 | 6.7%  |  | 247   |
| Once every three months                      | 3.2%  |  | 117   |
| Less frequently than once every three months | 1.6%  |  | 57    |
| I did not participate                        | 0.7%  |  | 24    |
| Total  |       |   | 3,669 |

4. Did you do any of the following activities online during the past 12 months?



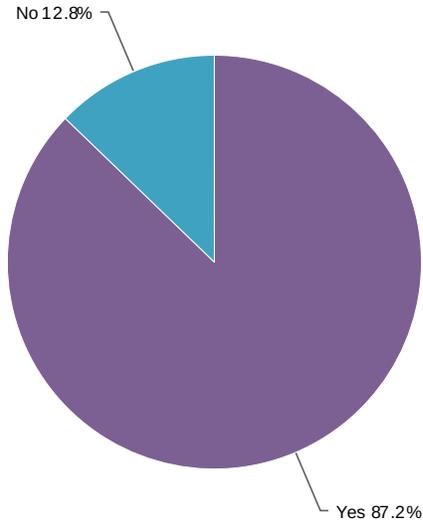
|  |       |       |       |
|--|-------|-------|-------|
| Viewed artworks (paintings, photographs, sculpture, etc.)                                      | 78.2% |       | 2,860 |
| "Liked" or "followed" arts, culture or heritage on social media                                | 65.7% |       | 2,403 |
| Explored a historic/heritage website   | 57.5% |       | 2,103 |
| Listened to a music performance of any genre   | 77.1% |       | 2,820 |
| Viewed a theatre or dance performance  | 44.6% |       | 1,632 |
| Viewed an opera or musical theatre performance   | 31.3% |       | 1,143 |
| Viewed a comedy performance  | 29.7% |       | 1,085 |
| Watched a movie  | 65.9% |       | 2,409 |
| Read a book or literary magazine using an e-reader or an online platform                       | 54.9% |       | 2,008 |
| Shared my own creative works   | 36.2% |       | 1,325 |
| Visited a creative retail shop   | 45.0% |       | 1,647 |
| Participated in an art-making or arts appreciation class                                       | 9.0%  |       | 329   |
| Accessed art history references or resources   | 45.0% |       | 1,646 |
| I did not participate in any online arts, culture or heritage activities in the past 12 months | 2.5%  |       | 91    |
|  |       | Total | 3,657 |

5. How frequently did you participate in arts, culture or heritage online during the past 12 months?



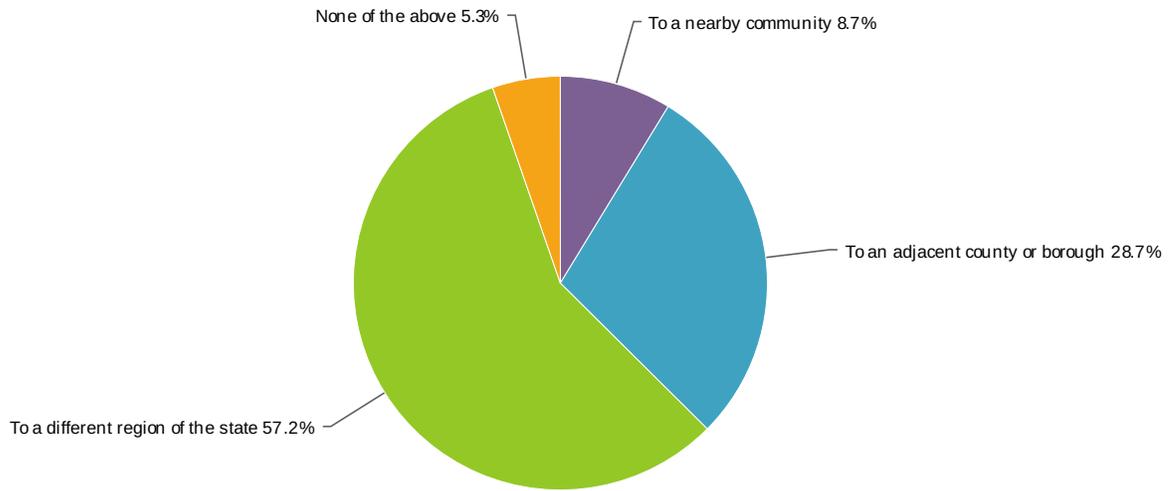
|  |       |       |       |
|--|-------|-------|-------|
| Daily  | 26.3% |       | 963   |
| Multiple times each week                     | 30.3% |       | 1,112 |
| Multiple times each month                    | 26.1% |       | 956   |
| Once a month                                 | 6.9%  |       | 254   |
| Once every three months                      | 3.0%  |       | 110   |
| Less frequently than once every three months | 3.9%  |       | 143   |
| I did not participate                        | 3.5%  |       | 130   |
|  |       | Total | 3,668 |

6. In the past 12 months, did you travel outside of your immediate community to participate in arts, culture or heritage activities or events?



|       |       |   |       |
|-------|-------|---|-------|
| Yes   | 87.2% |  | 2,836 |
| No    | 12.8% |  | 416   |
| Total |       |   | 3,252 |

7. What was the furthest distance you traveled within the state of New York to participate in arts, culture or heritage activities or events?

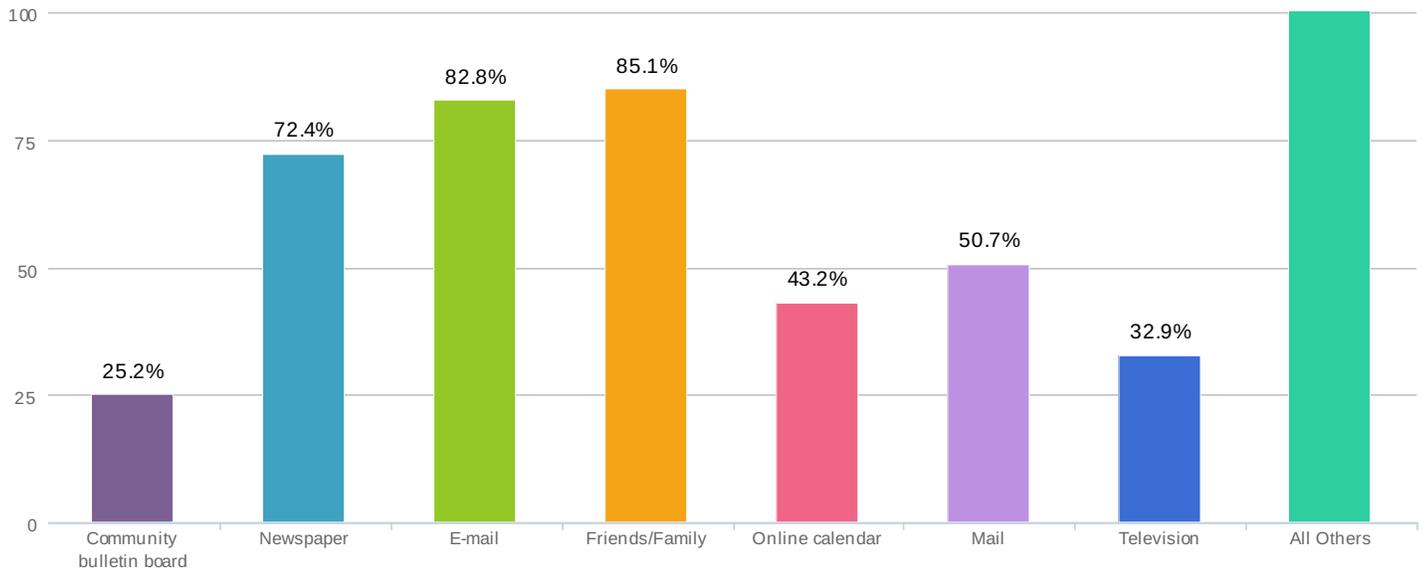


|                                    |       |  |       |
|------------------------------------|-------|--|-------|
| To a nearby community              | 8.7%  |  | 246   |
| To an adjacent county or borough   | 28.7% |  | 811   |
| To a different region of the state | 57.2% |  | 1,616 |
| None of the above                  | 5.3%  |  | 150   |
| Total                              |       |  | 2,823 |

9. Below are factors that might affect a person's participation in arts, culture or heritage events. Please indicate how important each factor is in your own decisions to participate.

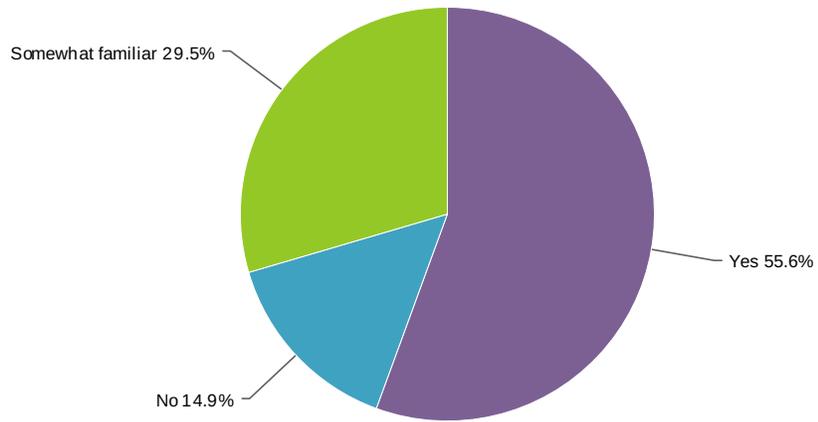
|   | Not At All<br>Important | Slightly<br>Important | Neither Important<br>nor Unimportant | Very<br>Important | No<br>Opinion  | Responses   |       |
|---|-------------------------|-----------------------|--------------------------------------|-------------------|----------------|-------------|-------|
| Information on available activities               | 26<br>0.8%              | 111<br>3.4%           | 89<br>2.7%                           | 1,144<br>35.0%    | 1,888<br>57.7% | 13<br>0.4%  | 3,271 |
| Content that interests me                         | 17<br>0.5%              | 48<br>1.5%            | 54<br>1.7%                           | 892<br>27.3%      | 2,254<br>68.9% | 7<br>0.2%   | 3,272 |
| Opportunities to make or create art               | 512<br>15.7%            | 337<br>10.3%          | 824<br>25.2%                         | 736<br>22.5%      | 774<br>23.7%   | 84<br>2.6%  | 3,267 |
| Personal amount of free time                      | 75<br>2.3%              | 181<br>5.5%           | 344<br>10.5%                         | 1,332<br>40.8%    | 1,274<br>39.0% | 62<br>1.9%  | 3,268 |
| Family/All-age appropriate                        | 1,056<br>32.3%          | 320<br>9.8%           | 766<br>23.4%                         | 611<br>18.7%      | 350<br>10.7%   | 164<br>5.0% | 3,267 |
| Invitations or recommendations from people I know | 110<br>3.4%             | 454<br>13.9%          | 568<br>17.4%                         | 1,422<br>43.5%    | 686<br>21.0%   | 26<br>0.8%  | 3,266 |
| Reviews or recommendations from the media         | 190<br>5.8%             | 627<br>19.2%          | 775<br>23.7%                         | 1,308<br>40.0%    | 351<br>10.7%   | 17<br>0.5%  | 3,268 |
| Affordability                                     | 66<br>2.0%              | 288<br>8.8%           | 320<br>9.8%                          | 1,386<br>42.4%    | 1,180<br>36.1% | 30<br>0.9%  | 3,270 |
| Distance of activities from my home               | 85<br>2.6%              | 440<br>13.5%          | 532<br>16.3%                         | 1,585<br>48.5%    | 608<br>18.6%   | 19<br>0.6%  | 3,269 |
| Availability of public transportation             | 854<br>26.1%            | 337<br>10.3%          | 620<br>19.0%                         | 746<br>22.8%      | 626<br>19.2%   | 83<br>2.5%  | 3,266 |
| Disability accommodations                         | 1,547<br>47.4%          | 301<br>9.2%           | 698<br>21.4%                         | 300<br>9.2%       | 199<br>6.1%    | 220<br>6.7% | 3,265 |

10. How do you learn about arts, culture or heritage activities in your community?



|                          |       |  |              |
|--------------------------|-------|--|--------------|
| Community bulletin board | 25.2% |  | 824          |
| Newspaper                | 72.4% |  | 2,369        |
| E-mail                   | 82.8% |  | 2,710        |
| Friends/Family           | 85.1% |  | 2,783        |
| Online calendar          | 43.2% |  | 1,413        |
| Mail                     | 50.7% |  | 1,660        |
| Television               | 32.9% |  | 1,076        |
| Radio                    | 39.7% |  | 1,299        |
| Social media             | 65.4% |  | 2,140        |
| Websites/Blogs           | 61.0% |  | 1,996        |
| Other                    | 5.8%  |  | 190          |
| <b>Total</b>             |       |  | <b>3,272</b> |

11. Prior to taking this survey, were you familiar with the programs and activities of the New York State Council on the Arts (NYSCA)?

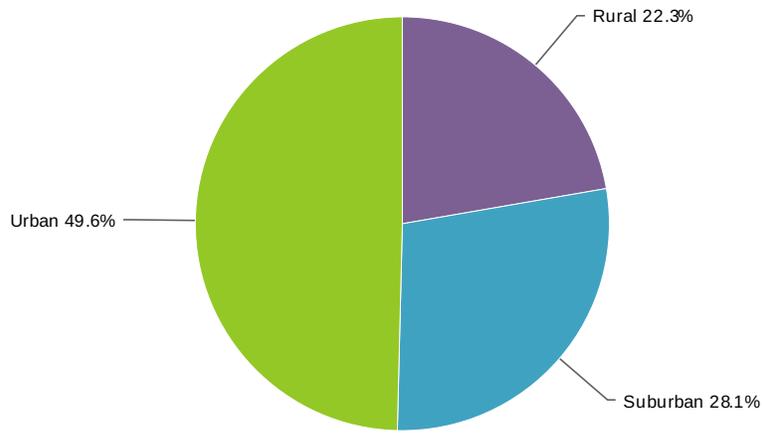


|                   |       |       |       |
|-------------------|-------|-------|-------|
| Yes               | 55.6% |       | 1,729 |
| No                | 14.9% |       | 463   |
| Somewhat familiar | 29.5% |       | 919   |
|                   |       | Total | 3,111 |

## 12. What role should the New York State Council on the Arts have in serving the state's citizens and its visitors?

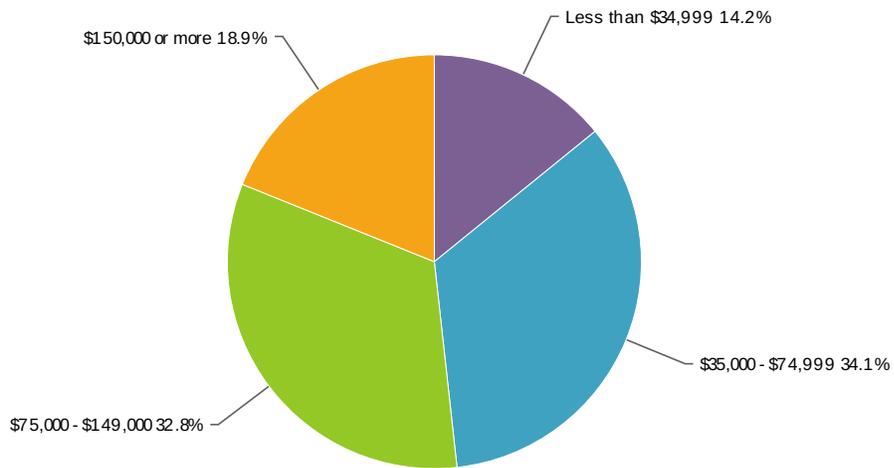
|   | Strongly Disagree | Disagree    | Neither Agree nor Disagree | Agree          | Strongly Agree | No Opinion | Responses |
|---|-------------------|-------------|----------------------------|----------------|----------------|------------|-----------|
| Promote the public benefit of New York state arts, culture and heritage resources   | 27<br>0.9%        | 19<br>0.6%  | 88<br>2.8%                 | 759<br>24.4%   | 2,194<br>70.5% | 25<br>0.8% | 3,112     |
| Support quality arts, culture and heritage learning opportunities for children  | 28<br>0.9%        | 18<br>0.6%  | 109<br>3.5%                | 828<br>26.6%   | 2,102<br>67.5% | 27<br>0.9% | 3,112     |
| Support quality arts, culture and heritage learning opportunities for adults  | 25<br>0.8%        | 8<br>0.3%   | 74<br>2.4%                 | 830<br>26.7%   | 2,152<br>69.2% | 23<br>0.7% | 3,112     |
| Broaden access to arts, culture and heritage activities for underserved groups  | 31<br>1.0%        | 29<br>0.9%  | 176<br>5.7%                | 829<br>26.6%   | 2,009<br>64.6% | 38<br>1.2% | 3,112     |
| Support nonprofits and artists that provide arts, culture and heritage activities   | 27<br>0.9%        | 9<br>0.3%   | 59<br>1.9%                 | 612<br>19.7%   | 2,373<br>76.3% | 31<br>1.0% | 3,111     |
| Improve community vitality and economic development   | 66<br>2.1%        | 122<br>3.9% | 450<br>14.5%               | 980<br>31.5%   | 1,442<br>46.4% | 51<br>1.6% | 3,111     |
| Support jobs in the arts, culture and heritage sector   | 34<br>1.1%        | 35<br>1.1%  | 217<br>7.0%                | 966<br>31.1%   | 1,822<br>58.6% | 35<br>1.1% | 3,109     |
| Support New York state's role as a global leader in arts, culture and heritage  | 35<br>1.1%        | 65<br>2.1%  | 309<br>9.9%                | 838<br>27.0%   | 1,805<br>58.1% | 57<br>1.8% | 3,109     |
| Improve health and well-being in my community   | 120<br>3.9%       | 279<br>9.0% | 807<br>25.9%               | 846<br>27.2%   | 980<br>31.5%   | 79<br>2.5% | 3,111     |
| Attract visitors to my community/region   | 77<br>2.5%        | 154<br>5.0% | 635<br>20.4%               | 990<br>31.9%   | 1,205<br>38.8% | 47<br>1.5% | 3,108     |
| Expand arts, culture and heritage opportunities or funding by working with other New York state agencies (e.g., parks and recreation, economic development, tourism, health and human services) | 39<br>1.3%        | 46<br>1.5%  | 286<br>9.2%                | 1,005<br>32.3% | 1,679<br>54.0% | 54<br>1.7% | 3,109     |
| I don't think the state should support arts, culture and heritage activities  | 2,727<br>88.1%    | 162<br>5.2% | 41<br>1.3%                 | 40<br>1.3%     | 80<br>2.6%     | 47<br>1.5% | 3,097     |

16. Which best describes your neighborhood or community?



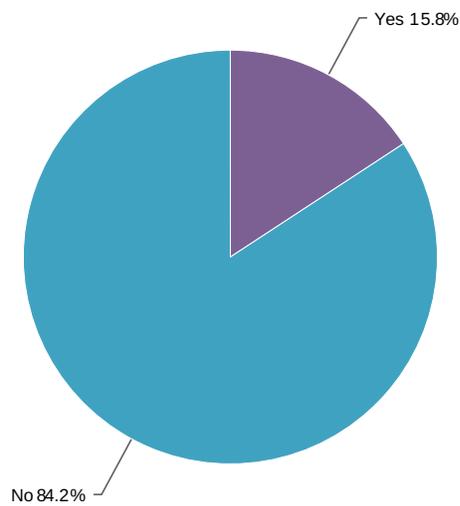
|          |       |   |       |
|----------|-------|---|-------|
| Rural    | 22.3% |  | 672   |
| Suburban | 28.1% |  | 848   |
| Urban    | 49.6% |  | 1,497 |
| Total    |       |   | 3,017 |

17. What is your estimated annual household income?

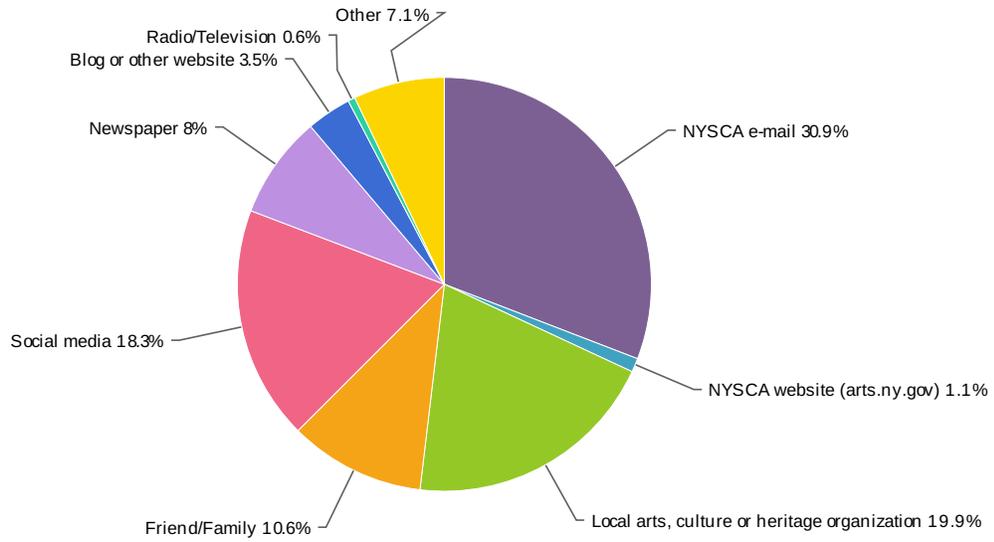


|                      |       |  |       |
|----------------------|-------|--|-------|
| Less than \$34,999   | 14.2% |   | 405   |
| \$35,000 - \$74,999  | 34.1% |   | 976   |
| \$75,000 - \$149,000 | 32.8% |   | 940   |
| \$150,000 or more    | 18.9% |  | 541   |
| Total                |       |  | 2,862 |

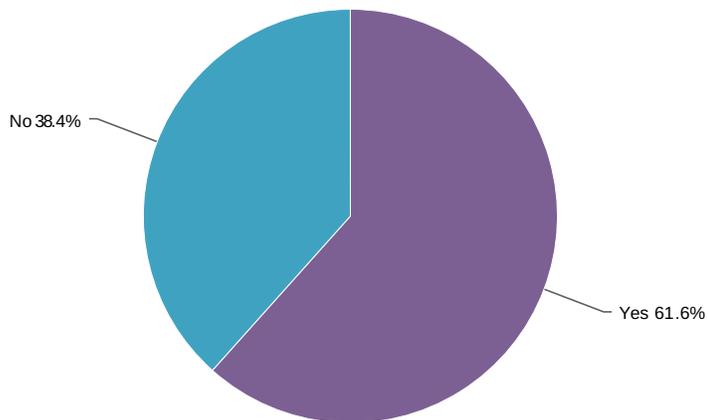
18. Do children under the age of 18 live in your household?



19. How did you learn about this survey?

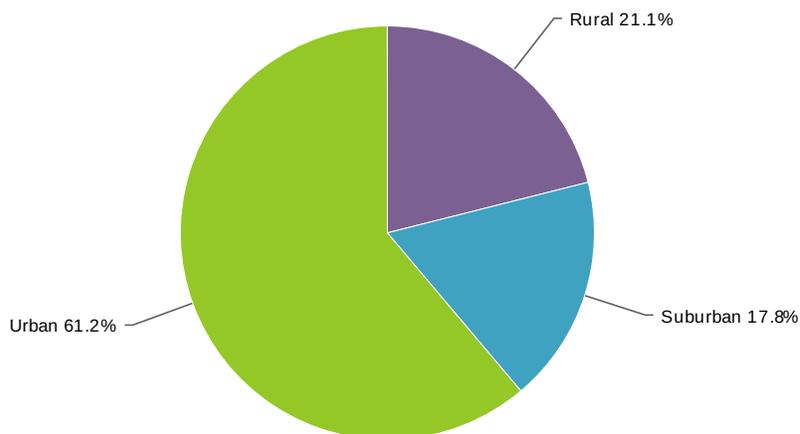


|  |       |  |       |
|--|-------|--|-------|
| NYSCA e-mail                                 | 30.9% |  | 936   |
| NYSCA website (arts.ny.gov)                  | 1.1%  |  | 33    |
| Local arts, culture or heritage organization | 19.9% |  | 605   |
| Friend/Family                                | 10.6% |  | 322   |
| Social media                                 | 18.3% |  | 555   |
| Newspaper                                    | 8.0%  |  | 244   |
| Blog or other website                        | 3.5%  |  | 106   |
| Radio/Television                             | 0.6%  |  | 17    |
| Other  | 7.1%  |  | 216   |
| Total  |       |  | 3,034 |



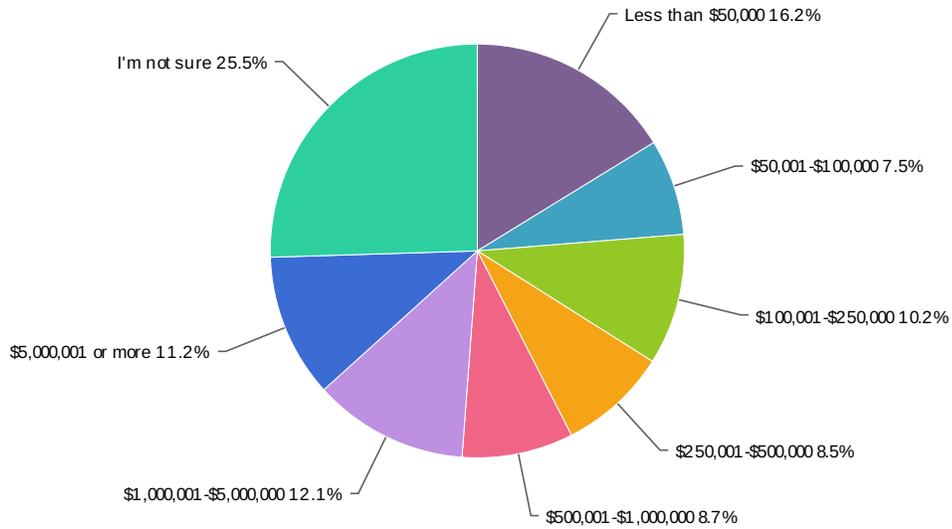
|       |       |  |       |
|-------|-------|--|-------|
| Yes   | 61.6% |  | 1,821 |
| No    | 38.4% |  | 1,135 |
| Total |       |  | 2,956 |

Which best describes the communities served by the organization?

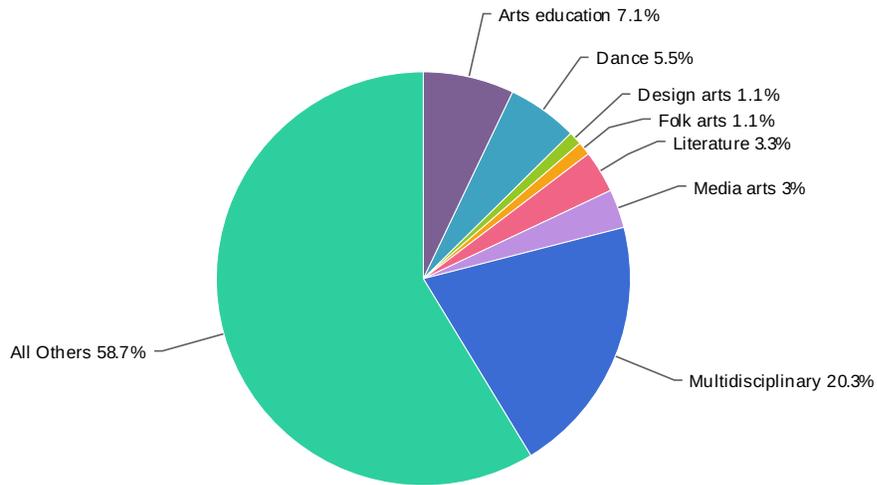


|          |       |  |       |
|----------|-------|--|-------|
| Rural    | 21.1% |  | 378   |
| Suburban | 17.8% |  | 319   |
| Urban    | 61.2% |  | 1,097 |
| Total    |       |  | 1,794 |

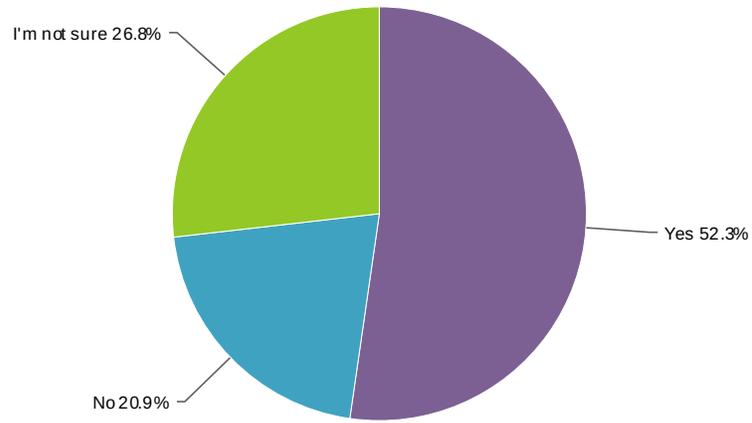
Please indicate the organization's operating budget in 2014-2015.



|                         |       |  |       |
|-------------------------|-------|--|-------|
| Less than \$50,000      | 16.2% |  | 295   |
| \$50,001-\$100,000      | 7.5%  |  | 136   |
| \$100,001-\$250,000     | 10.2% |  | 186   |
| \$250,001-\$500,000     | 8.5%  |  | 155   |
| \$500,001-\$1,000,000   | 8.7%  |  | 158   |
| \$1,000,001-\$5,000,000 | 12.1% |  | 220   |
| \$5,000,001 or more     | 11.2% |  | 204   |
| I'm not sure            | 25.5% |  | 463   |
| Total                   |       |  | 1,817 |

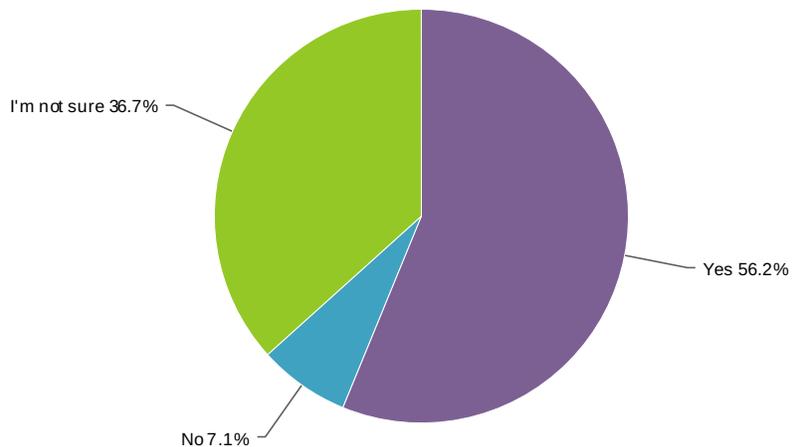


|                   |       |  |       |
|-------------------|-------|--|-------|
| Arts education    | 7.1%  |  | 129   |
| Dance             | 5.5%  |  | 100   |
| Design arts       | 1.1%  |  | 19    |
| Folk arts         | 1.1%  |  | 19    |
| Literature        | 3.3%  |  | 60    |
| Media arts        | 3.0%  |  | 55    |
| Multidisciplinary | 20.3% |  | 369   |
| Music             | 15.2% |  | 276   |
| Theater           | 13.1% |  | 238   |
| Visual arts       | 11.3% |  | 206   |
| Other             | 19.1% |  | 347   |
| Total             |       |  | 1,818 |



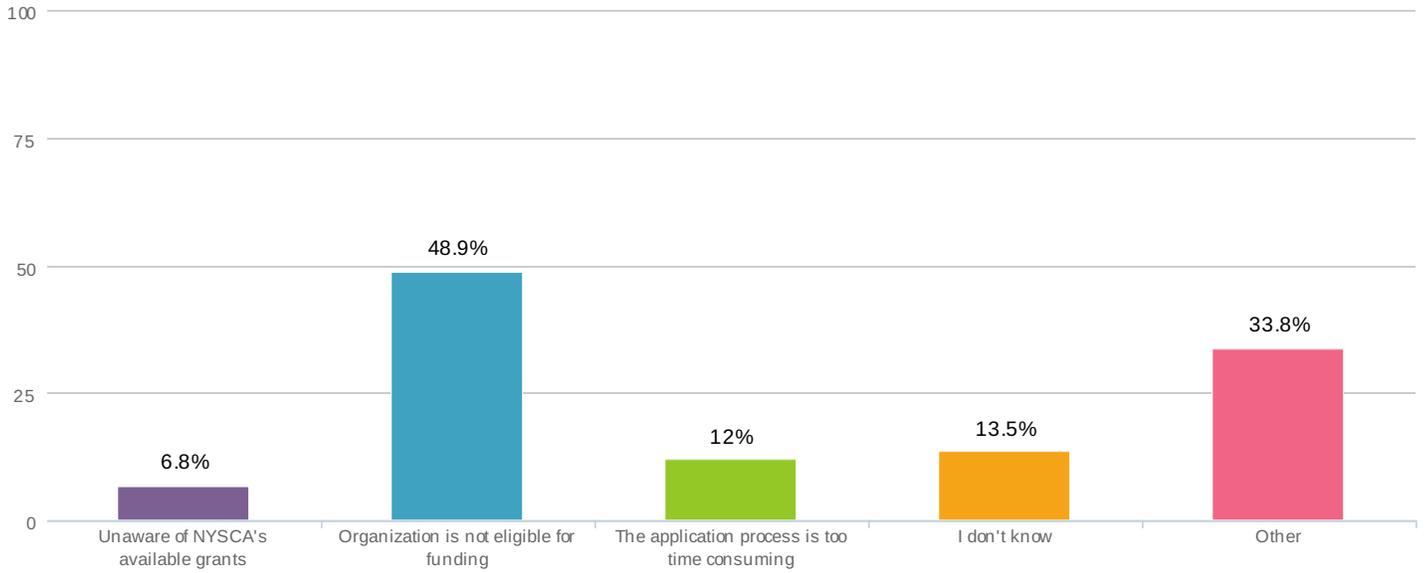
|              |       |       |       |
|--------------|-------|-------|-------|
| Yes          | 52.3% |       | 950   |
| No           | 20.9% |       | 380   |
| I'm not sure | 26.8% |       | 487   |
|              |       | Total | 1,817 |

Does the organization intend to apply for a grant or regrant from NYSCA or a NYSCA regrant program in the future?



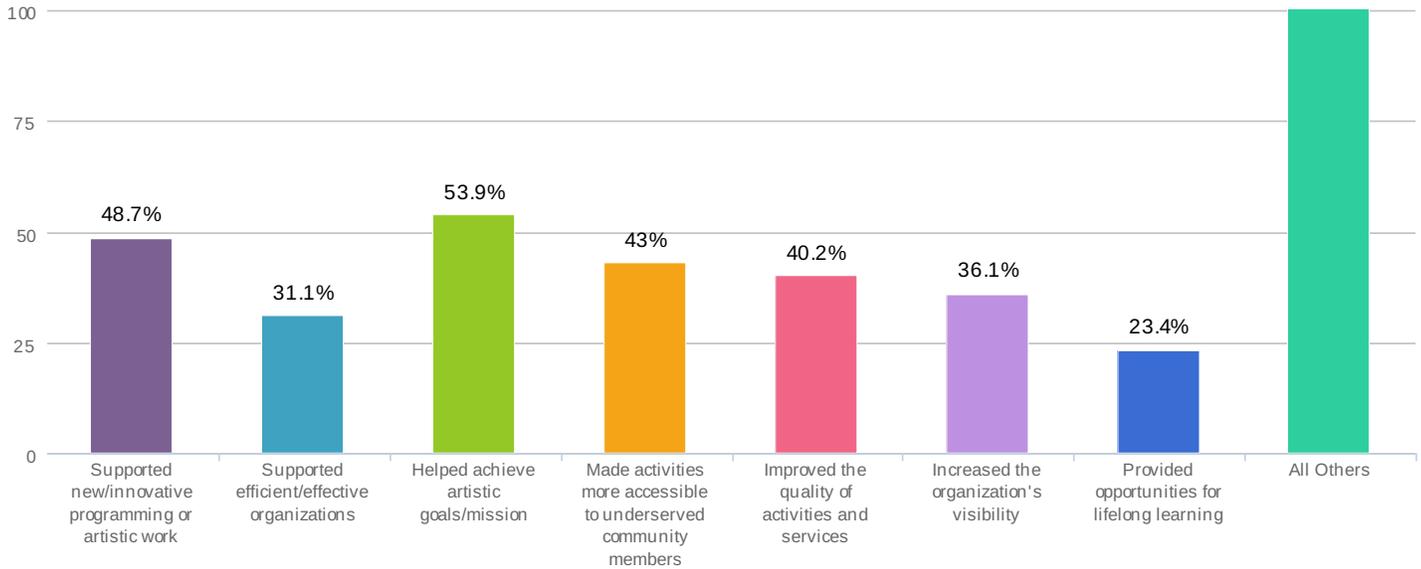
|              |       |       |       |
|--------------|-------|-------|-------|
| Yes          | 56.2% |       | 1,016 |
| No           | 7.1%  |       | 129   |
| I'm not sure | 36.7% |       | 663   |
|              |       | Total | 1,808 |

Why doesn't the organization plan to apply for a grant or regrant from NYSCA?



|   |       |  |            |
|---|-------|--|------------|
| Unaware of NYSCA's available grants           | 6.8%  |  | 9          |
| Organization is not eligible for funding      | 48.9% |  | 65         |
| The application process is too time consuming | 12.0% |  | 16         |
| I don't know                                  | 13.5% |  | 18         |
| Other   | 33.8% |  | 45         |
| <b>Total</b>                                  |       |  | <b>133</b> |

If the organization has received NYSCA funds, what benefits did the grant provide?



|  |       |  |              |
|--|-------|--|--------------|
| Supported new/innovative programming or artistic work            | 48.7% |  | 666          |
| Supported efficient/effective organizations                      | 31.1% |  | 425          |
| Helped achieve artistic goals/mission                            | 53.9% |  | 737          |
| Made activities more accessible to underserved community members | 43.0% |  | 588          |
| Improved the quality of activities and services                  | 40.2% |  | 550          |
| Increased the organization's visibility                          | 36.1% |  | 494          |
| Provided opportunities for lifelong learning                     | 23.4% |  | 320          |
| Expanded community or economic development opportunities         | 20.3% |  | 278          |
| Served as an endorsement for the organization's work             | 38.9% |  | 532          |
| Helped secure additional funds                                   | 31.9% |  | 437          |
| Helped attract partnering organizations and opportunities        | 26.5% |  | 362          |
| Helped the organization make a better case to public officials   | 21.7% |  | 297          |
| Preserved jobs or created new jobs                               | 27.1% |  | 370          |
| I'm not sure   | 31.9% |  | 436          |
| Other  | 4.5%  |  | 61           |
| <b>Total</b>   |       |  | <b>1,368</b> |

## Council Member Biographies

### **Aby Rosen, Chair**

Aby Rosen is a well-established business professional and arts advocate. Mr. Rosen was appointed by Governor Andrew Cuomo as Chair of NYSCA in 2011. His goals include advocating for and expanding the impact of the agency's work with a vigorous emphasis on artistic expression and arts and cultural activity as a strong driver of community well-being and vitality and as a significant economic and jobs growth engine. He is co-founder of RFR Holding, a privately held, Manhattan based, real estate investment development and management company. His commitment to the preservation and restoration of landmark buildings has been recognized by the Landmarks Conservancy and the American Institute of Architecture. In 2003, Mr. Rosen formed the Lever House Art Collection, which invites artists to create site-specific work exhibited in Lever House's glass-enclosed public lobby space. Dedicated to making art accessible and available to the community, he organizes innovative visual art exhibitions of established and emerging artists in public spaces.

### **Barbaralee Diamonstein-Spielvogel, Vice Chair**

Barbaralee Diamonstein-Spielvogel is an author, television interviewer and producer, preservationist, and civic activist. In 1966, Dr. Diamonstein-Spielvogel became the first Director of the New York City Department of Cultural Affairs. She also served as a Commissioner of the NYC Landmarks Preservation Commission, was Chair of the NYC Landmarks Preservation Foundation, and has served as a Member of the NYC Cultural Affairs Commission, where she was Chair/Founder of the Mayor's Awards of Arts and Culture and a Member of the NYC Art Commission (now called the Public Design Commission). She is currently the Chair of NYC Landmarks 50, commemorating the 50<sup>th</sup> Anniversary of the organization and the NYC Landmarks Law.

Throughout her career, Dr. Diamonstein-Spielvogel served on the Boards for the Central Park Conservation, the Municipal Art Society, the Landmarks Conservancy, the American Council on the Arts, and the White House Endowment, among others. Currently, Dr. Diamonstein-Spielvogel serves on the Board of Directors for the Art Society the Fresh Air Fund, Friends of the High Line, and the Trust for the National Mall in Washington, DC among others. Dr. Diamonstein-Spielvogel earned her doctorate from New York University, and has received honorary doctorates from the Maryland Institute College of Art, Longwood University in Virginia and Pratt Institute in NYC. In 1994 Dr. Diamonstein-Spielvogel became the first woman to be honored with the Pratt Institute Founder's Award.

### **Laura L. Aswad**

Laura L. Aswad is the Executive Director of Real Arts and Culture, a New York based company specializing in the performing and visual arts. Previously, Ms. Aswad was producer of the Lincoln Center Festival, the international summer performing arts festival, where she produced numerous productions in all genres of the performing arts (1996-2004). Ms. Aswad has also served as associate producer of Lincoln Center's Serious Fun! Festival (1993-1995), as the tour manager for numerous international and domestic productions, and as the senior associate at International Production Associates where she coordinated domestic and international tours for such artists as Sankai Juku and Philip Glass and the Philip Glass Ensemble (1989-1993). Ms. Aswad is originally from Binghamton, New York and she received her B.A. in Theater from the State University of New York at Binghamton.

### **Jill Braufman**

Jill Erika Braufman is the Board Chair of The Center for Arts Education. After working in fashion and advertising, Ms. Braufman founded and managed an interior design resource specializing in antique textile pillows. After managing the business for more than six years, in 2001 she turned her focus towards full-time political and philanthropic pursuits relating to the arts, education, and women's health. Jill Braufman is a graduate of Brown University and the Parson's School of Design.

### **Amy Cappellazzo**

Amy Cappellazzo is a Founder and Principal of Art Agency Partners. She previously served as a market leader in the field of contemporary art during a tenure of almost thirteen years at Christie's, where she rose to the post of Chairman of Post-War & Contemporary Development. While at Christie's, Cappellazzo was a steward for the sale of some of the most important collections of our time, and she continues to act as a fiduciary for numerous families, foundations and trusts. Additionally, she served as a pioneer in private sales at Christie's as well as in online auctions, the latter through a partnership she fostered with the Andy Warhol Foundation for the Visual Arts. During a period when the contemporary art market exploded from what was largely a European and American epicenter to a fully global stage, Cappellazzo directed groundbreaking initiatives at Christie's that led to record results, with upward of \$650 million realized in a single evening sale.

Prior to tenure at Christie's, Cappellazzo was an art advisor, a curator and a key figure in the establishment of Art Basel in Miami Beach.

Cappellazzo received her B.A. in Fine Arts/Art History from New York University, where she was a Presidential Trustee Scholar. She holds a master's degree in Urban Design from the School of Architecture at Pratt Institute, where she focused on the role of public art in shaping cities. She is a noted Bloomberg expert, speaking internationally on the global art market, and has lectured at the Metropolitan Museum of Art, New York University, The Museum of Modern Art, the Museum of Fine Arts Boston, UCLA, Stanford University and the Crystal Bridges Museum in Bentonville, Arkansas. In 2012, she was appointed by Governor Andrew Cuomo to serve on the board of the New York State Council on the Arts.

### **Bob Colacello**

Bob Colacello is one of America's most highly regarded and prolific biographical writers. As a special correspondent for Vanity Fair since 1984, he has profiled more than 100 major cultural, social, philanthropic, and political figures. In 2010, the Society of the Silurians, New York's oldest organization of newspaper and magazine editors, gave him the Excellence in Journalism Award for his profile of Patricia and William F. Buckley Jr. His commentary has been featured in documentaries on Warhol, the Reagans, Robert Wilson, Yves Saint Laurent, and Halston, as well as in biographies of Truman Capote, Robert Mapplethorpe, and Jean-Michel Basquiat. Colacello currently serves on the board of FAPE (Foundation for Art and Preservation in Embassies), the President's Council of the New York Academy of Art, and the National Advisory Council of ACRIA (AIDS Community Initiative of America). Since 1995, he has been a co-chair or honorary chair of the Summer Benefit at Robert Wilson's Watermill Center in Southampton, New York. In 2009, Colacello was honored for his outstanding service at the ACRIA Holiday Benefit.

Colacello was born in Brooklyn, New York in 1947. He received his B.A. from Georgetown University School of Foreign Service in 1969 and his M.F.A. from Columbia University Graduate School of the Arts in 1971.

### **Agnes Gund**

Agnes Gund is President Emerita of the Museum of Modern Art (MoMA) and Chair of its International Council. She is also Chair of MoMA PS1 Contemporary Art Center. Ms. Gund joined the MoMA Board in 1976 and served as its President from 1991 until 2002. She is the Founder and a Trustee of Studio in a School, a non-profit organization she established in

response to the 1977 budget cuts that virtually eliminated arts classes from New York City public schools. A philanthropist and collector of modern and contemporary art, Ms. Gund is Chair of the Mayor's Cultural Affairs Advisory Commission of New York City, and currently serves on the boards of Chess in the Schools, the Cleveland Museum of Art, the Foundation for Contemporary Arts, the Foundation for Art and Preservation in Embassies, the Robert Rauschenberg Foundation, and Socrates Sculpture Park, among others. She is co-founder of the Center for Curatorial Leadership and an Honorary Trustee of the Independent Curators International as well as the Museum of Contemporary Art, Cleveland. Ms. Gund has served on the boards of such wide-ranging organizations as the Aaron Diamond AIDS Research Center and the Fund for Public Schools. She earned a B.A. in History from Connecticut College and a M.A. in Art History from Harvard University. She has since received numerous honorary doctorate degrees, including honors from Bowdoin College (2012), CUNY Graduate Center (2007) and Brown University (1996). In 1997, Ms. Gund received the National Medal of the Arts from President Clinton.

### **Gayle King**

Gayle King is a co-host of "CBS This Morning" and Editor-at-Large of the award-winning *O, the Oprah Magazine*.

King previously hosted "The Gayle King Show," a live, weekday television interview program on OWN: The Oprah Winfrey Network. The program, which featured a discussion of a broad variety of topics that include politics, cultural developments, was also broadcast on XM Satellite Radio, where it premiered in 2006.

Before moving into print and radio, King worked for 18 years (1982-2000) as a television news anchor for CBS affiliate WFSB-TV in Hartford, Conn., during which period, she also hosted her own syndicated daytime program. Prior to joining WFSB, King worked at several other television stations, including WDAF-TV in Kansas City, Mo. (1978-1981), WJZ-TV in Baltimore, Md. (1976), and WTOP-TV in Washington, D.C. (1975).

King has received numerous awards for her extensive work as a journalist. In addition to three Emmys, she was honored in 2008 with the American Women in Radio & Television Gracie Award for Outstanding Radio Talk Show and in 2010 with both the Individual Achievement Award for Host-Entertainment/Information and the New York Women in Communications' Matrix Award recipient.

King spent several years of her childhood in Ankara, Turkey, before returning with her family to

the United States. She graduated from the University of Maryland in 1976 with a degree in psychology.

The mother of a daughter, Kirby, and a son, Will, she currently resides in New York City.

### **Eric Latzky**

Eric Latzky is a leading figure in communications, marketing and public affairs in culture and the arts.

From 2000 – 2012, he served as spokesman and head of communications of the New York Philharmonic, overseeing media and public relations, publications, and diplomatic relations for America’s first orchestra. He was the institution’s liaison to government officials, and was responsible for key aspects of the Philharmonic’s international touring programs and global corporate sponsorship relationships. Eric Latzky played a major role in the creation and realization of the York Philharmonic’s historic concert in Pyongyang in 2008. He established the framework for live, uncensored communications from North Korea for an unprecedented international media corps, bringing worldwide attention to the event.

Previously, Eric Latzky held the positions of Executive Vice President of the Zeisler Group, and Director of Communications of The Kitchen Center for Video, Music, Dance, Performance, Film and Literature, and then formed Culture | Communications to craft forward-looking marketing and public relations strategies. Clients included Sony Entertainment, Lincoln Center for the Performing Arts, and a group of progressive artists and companies working in various genres from Europe, Asia, and North and South America, such as Eos Orchestra (US), Sankai Juku (Japan), Paris Opera Ballet, and Ballet Argentino.

In the 1990s, Eric Latzky was the pro-bono public relations co-chair for the artists’ organization Visual AIDS, where he conceived the launch campaigns for the Red Ribbon for AIDS Awareness, Day Without Art and Night Without Light. In the 1980s, in partnership with publishing industry colleagues, he created the Words Project for AIDS, in Los Angeles, to promote reading and writing in the context of the emerging crisis.

A writer and essayist, Eric Latzky has contributed to Culture + Travel, Interview, BOMB magazine, the Los Angeles Times, LA Weekly, LA Style, the Advocate, and other publications. His novel, Three Views from Vertical Cliffs, was published in 1992, and he has contributed to a number of non-fiction collections.

Eric Latzky is presently a consultant to institutional clients on communications strategy, digital transformation, and image development. He is a member of the Wisemen, a group of top communications professionals in New York, and serves on the Advisory Board of Youth Communication, a non-profit publisher and advocate of reading and writing for at-risk youth. A native New Yorker, Eric Latzky has lived in Paris and Los Angeles. He lives in New York, in West Chelsea, and is a member of Manhattan Community Board 4, serving on its Land Use and Landmarks committees.

### **John Lyons**

John Lyons is a producer, who resides in New York City. He began working in the theatre when he became the first Casting Director at Playwrights Horizons in 1980. Under the Artistic Director Andre Bishop, Playwrights Horizons produced the works of William Finn, Wendy Wasserstein, Chris Durang, James Lapine, Jonathan Reynolds, Stephen Sondheim, Ted Talley, Albert Innaurato, A. R. Gurney, Mark O'Donnell, Peter Parnell and many of the country's most prominent writers and directors. In 1983, he started a casting company called Lyons/Isaacson, which also cast for the Manhattan Theatre Club, and began to cast films as well as theatre. He began his film casting career with Joe and Ethan Coen's RAISING ARIZONA in 1986 and went on to cast FARGO, MILLER'S CROSSING, BARTON FINK, THE HUDSUCKER PROXY, and THE BIG LEBOWSKI. He also cast numerous films for directors such as Phil Kaufman, Frank Oz, John Schlesinger, and others.

In 1989, Mr. Lyons became the Casting Director of the Sundance Institute's June Director's Lab for seven years, and in 1999, he produced his first feature film, Paul Thomas Anderson's HARD EIGHT. He also produced Mr. Anderson's BOOGIE NIGHTS, Jay Roach and Mike Myer's AUSTIN POWERS: THE SPY WHO SHAGGED ME, and AUSTIN POWERS IN GOLDMEMBER, and Peter Hedges' PIECES OF APRIL.

From 2003 to 2011, Mr. Lyons was the President of Production at Focus Features, overseeing all aspects of production at the studio, and shepherding the making of a popular and award-winning slate of films. These included Gus Van Sant's MILK, Ang Lee's BROKEBACK MOUNTAIN, Joel and Ethan Coen's BURN AFTER READING and A SERIOUS MAN, Martin McDonagh's IN BRUGES, David Cronenberg's EASTERN PROMISES, Jim Jarmusch's BROKEN FLOWERS, Lisa Cholodenko's THE KIDS ARE ALL RIGHT, Mike Mill's BEGINNERS, Joe Wright's HANNA, Cary Fukunaga's SIN NOMBRE and JANE EYRE, Fernando Meirelles' A CONSTANT GARDENER, and Michel Gondry's ETERNAL SUNSHINE OF THE SPOTLESS MIND.

In the fall of 2011, Mr. Lyons left Focus Features to return to independent producing and is

currently working on projects for film, television, and the theatre. He has also spent a great deal of time launching Edible Schoolyard/NYC, the New York branch of Alice Waters' Edible Education project, serving as board chair and founder of the organization. He has also served on the Board of Directors for the EOS Orchestra and the Chez Panisse Foundation, as well as currently serving on the board of GROWN NYC

He has a summa cum laude degree in History of Art from University of Michigan.

### **Laudelina Martinez**

Laudelina Martinez is the owner and director of the Martinez Gallery, founded in 2001. Ms. Martinez has curated more than 50 exhibitions for the Gallery and other venues while also conducting an on-going public education program focusing on art and culture. Her curatorial concentration has been in presenting and advancing established and emerging Latino artists. She began a lifelong involvement in the arts in her formative years studying under outstanding exponents, including Ana Garcia, Jose Pares and Alicia Alonso in ballet; Elisa Tavarez in music; and Juano Hernandez in theatre. Ms. Martinez chose a career in higher education, but continued an educational commitment to the arts. She was the President and CEO of the Hispanic Association of Colleges and Universities from 1992-1995 where she represented Hispanic-serving institutions, associate colleges and universities, and international members. She has also served as a spokesperson on national Latino and educational issues. For her contributions to these areas, she has received awards and recognitions from educational and Hispanic communities. Ms. Martinez currently serves as Vice-President of the Rensselaer County Historical Society. She received her B.A. from the College of New Rochelle, her M.A. from Fordham University and conducted additional doctoral coursework at the University at Albany.

### **Crystal McCrary**

Award-winning film, television producer and author, Crystal McCrary, began her career practicing entertainment law specializing in theatre production, publishing contracts and director's agreements with the New York City firm of Paul, Weiss, Rifkind, Wharton and Garrison before leaving to pursue a full-time career in writing and producing. Since that time, she has written for several magazines, published two New York Times best-selling novels, and produced original programming for TV & Film.

Ms. McCrary published the New York Times Best-selling novels *Homecourt Advantage* (Harper Collins/Avon) and *Gotham Diaries* (Hyperion). She also produced the independent

film DIRTY LAUNDRY (FOX Films). For six seasons Ms. McCrary served as co-creator/executive producer for the NAACP Image Award nominated BET documentary series LEADING WOMEN and LEADING MEN which profiled women and men who have impacted the country socially, politically and culturally including Dr. Maya Angelou, Iman, Mo'Nique, Patti LaBelle, Lisa Leslie, Congresswoman Maxine Waters, Debra Martin Chase, Wynton Marsalis, Wyclef Jean, Hill Harper and Terrance Howard to name a few. She also hosted, created and executive produced and directed the three-part documentary series INSIDE: Black Culture profiling The Studio Museum in Harlem, Evidence Dance Company and Abyssinian Baptist Church. In production, Ms. McCrary has directed and produced a feature-length documentary, LITTLE BALLERS, which chronicles the lives and challenges of four socially and culturally diverse eleven-year old basketball players and their journey to the AAU National Championship. Crystal's most recent book, INSPIRATION: PROFILES OF BLACK WOMEN CHANGING OUR WORLD was published by Harry N. Abrams, March, 2012 and includes profiles of Judith Jamison, Shonda Rhimes, Patti Labelle, First Lady Michelle Obama, Debra Lee, Venus Williams, Thelma Golden, Ruby Dee, Whoopi Goldberg, Gayle King, Thelma Golden, Marian Wright Edelman, Misty Copeland, Mary J. Blige, Soledad O'brien, Mellody Hobson, Iman and many others.

Dedicated to and outspoken on education, children's rights and women's issues, she has appeared on several national television shows including Good Morning America, The TODAY Show, CNN, MSNBC and Ms. McCrary also appeared as a guest co-host on ABC's The View, interviewing Hillary Clinton. She was also the co-host on the 2008 NAMIC Vision Award winning television show, "My Two Cents." She has also interviewed President Bill Clinton and Mayor Michael Bloomberg for her television shows. Ms. McCrary was named to Crain's-New York Business Forty Under Forty.

Ms. McCrary is a cum laude graduate of the University of Michigan, Ann Arbor and New York University School of Law and American University (J.D., 1995). Ms. McCrary also studied International European Community Law in Paris, France. She lives in New York City with her family.

### **Richard Mittenthal**

Richard Mittenthal is President and CEO of TCC Group, a management-consulting firm that specializes in nonprofits. Since joining the firm in 1989, Mittenthal has led consulting and planning assignments for a wide range of cultural, educational, and philanthropic organizations.

In 1997, Mittenthal collaborated with the Indiana University Center on Philanthropy to create the Grantmakers Institute, a series of educational courses for foundation staff around the

country. He was a member of the International Network on Strategic Philanthropy, an initiative involving individuals from North America, Latin America, Europe, and Asia, and the Council of the Aspen Institute's Nonprofit Sector and Philanthropy Program. In 1982, he served as the first Chairman of Grantmakers in the Arts. Mittenthal spent 12 years at the New York Community Trust, the largest community foundation in the United States, where he served as the Trust's Vice President for Program, overseeing the discretionary grant program.

Active in civic and cultural affairs, he currently serves on the Boards of Directors of the Eye-Bank for Sight Restoration and Symphony Space, where he was Board President. Mittenthal served as a Mayoral appointee to the New York City Commission on Cultural Affairs, and as a Trustee of Meet the Composer, the Orchestra of St. Luke's, the Dalton School, the Alliance for the Arts, and The American Symphony Orchestra League. He has a BS in Economics from Roosevelt University in Chicago and an MBA from the Kellogg School at Northwestern University.

### **John Morning**

John Morning has over three decades of leadership positions in higher education, philanthropy, banking, and the arts. He is a trustee of Charles Stewart Mott Foundation, Henry Street Settlement, Lincoln Center Theater, Graduate Center of CUNY, Pratt Institute, Film Forum, and Turrell Fund. Morning previously served as a trustee or director of Brooklyn Academy of Music, City University of New York, Dime Savings Bank of New York, Rockefeller Brothers Fund, Creative Capital, Dēmos, and member of the Trustees Committee on Education at the Museum of Modern Art. A graduate of Pratt and retired graphic designer, Morning has received the White House Presidential Recognition Award for “exemplary community service.”

### **Rita Paniagua**

Ms. Paniagua is currently Executive Director of the Spanish Action League and has been involved with the organization since 2003. Prior to working with the Spanish Action League, Paniagua was the owner of Backstage Productions and Dance Centre School in San Juan, Puerto Rico for several years. She has been recognized with numerous awards and honors for leadership in public advocacy and community service. Among her many honors, Paniagua has been recognized with the Bea Gonzalez Award by the Alliance Network, the “Entre Nosotras” award by NYS Assembly/Senate Hispanic Taskforce. In addition, she received Latina of the Year (2012), and the Labor Religion Coalition Outstanding Community Service Award. Currently, Ms. Paniagua is serving as the chair on the CNY Regional Economic Development Council, Latino Upstate Summit, and Syracuse Woman’s Commission, among others.

**Hal D. Payne**

Hal D. Payne is currently the Vice President for Student Affairs at SUNY Buffalo State where he has served for 23 years. At the College, Vice President Payne serves on the President's Cabinet, the College Planning Council, the Budget Priorities Committee, the Enrollment Management Steering Group, the Intercollegiate Athletics Board, and the Strategic Planning Task Force. In the Buffalo community Payne serves as Commissioner of the Buffalo Municipal Housing Authority, Director of the Buffalo Zoological Society, Director of the Burchfield Penney Art Center, member of the Boards of Read to Succeed and the Hillside Work-Scholarship Connection. Payne is faculty in the U. S. Department of Education/Council for Opportunity in Education Legislation and Regulations Seminars and received The Walter O. Mason, Jr. Award (Highest Annual Award of the Council for Opportunity in Education) in September of 1996. Vice President Payne received his B.A. from Western Reserve University and his J.D. degree from Cleveland State University.

**Deborah Ronnen**

Deborah Ronnen is an attorney and owner of Deborah Ronnen Fine Art in Rochester, NY, specializing in modern and contemporary art for more than 25 years. As an independent curator, Ms. Ronnen has organized exhibitions in conjunction with the Collector's Gallery at The Albright Knox Art Gallery, Buffalo, NY, the Rochester Contemporary Art Center, The Memorial Art Gallery of the University of Rochester and the Nazareth College Arts Center; all in Rochester, NY.

Currently, Ms. Ronnen serves on the board of The Buffalo Fine Arts Academy (The Albright Knox Art Gallery). She holds an LL.B. (JD equivalent) from Hebrew University in Jerusalem, where she was admitted to the Bar and was the Director of The Jerusalem Mediation Center. She also holds a B.A. in Philosophy from Boston University.

**Richard Schwartz**

Richard Schwartz is the President of the David Schwartz Foundation and the former CEO and Chairman of Jonathan Logan, Inc. Mr. Schwartz previously served as acting Executive Director and Member of the New York State Council on the Arts, Chairing the Council from 1997 - 2007. He currently serves as a Trustee of Boscobel Restoration and the Buffalo Bill Historical Center in Cody, Wyoming. In addition, Mr. Schwartz served as a Trustee of renowned cultural and educational institutions across the U.S. including Lincoln Center, Cornell University, and the National Museum of American Art.

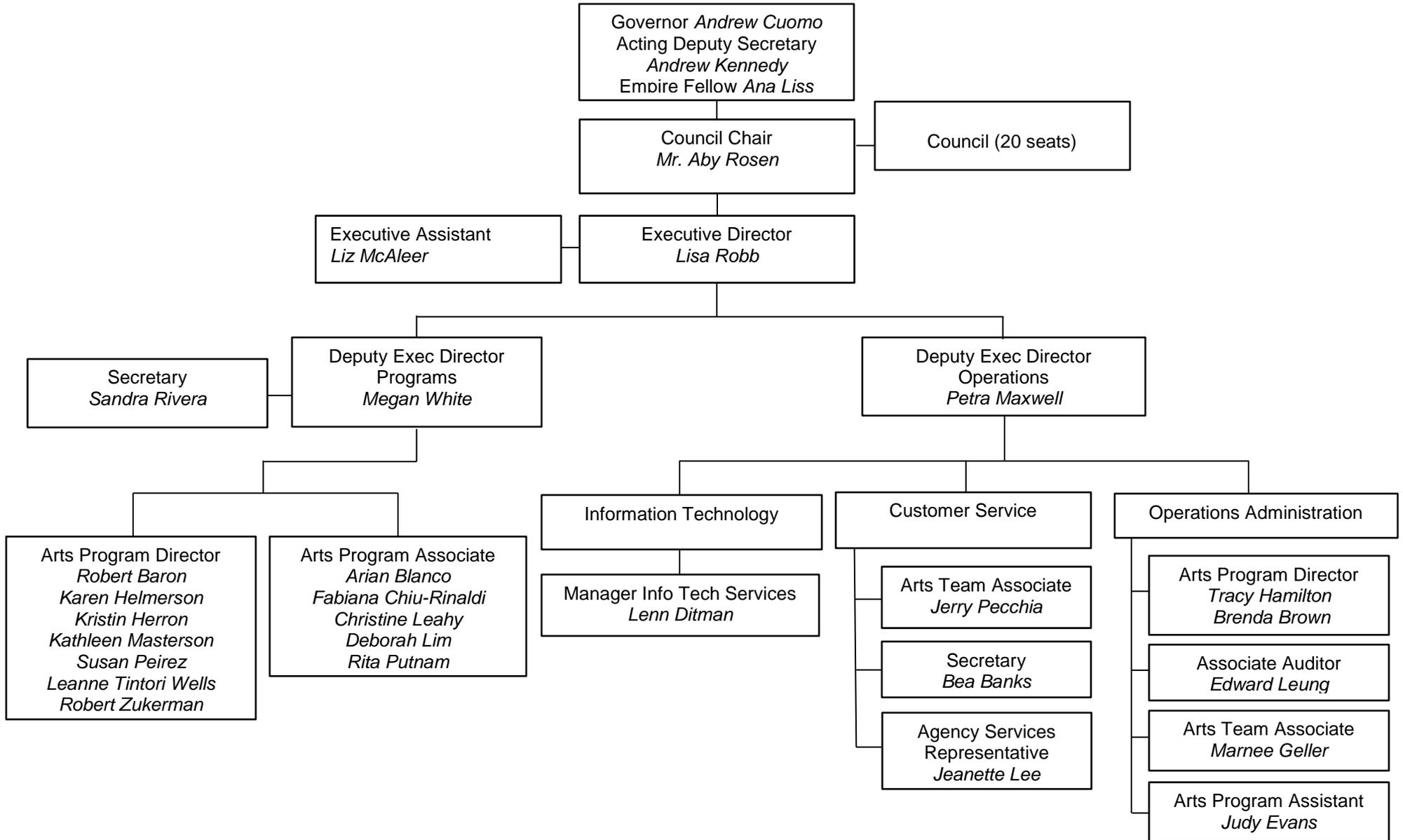
**Jonathan Sheffer**

Jonathan Sheffer is an established composer and conductor who also served as the Artistic Director of two iconoclastic chamber orchestras, The Eos Orchestra, which he founded in NYC in 1995, and Red, which he led for six seasons in Cleveland, OH. In addition, Sheffer has conducted operas and festivals throughout the world including The New York City Opera, American Ballet Theatre and numerous dance companies. As a composer, he has composed numerous film scores, and his opera *Blood On The Dining Room Floor* has won the Richard Rogers Award from the American Academy of Arts and Letters. Sheffer has had residencies at Yaddo, The MacDowell Colony, and the American Academy in Rome. Active in charitable and political causes, Sheffer is currently the appointee of the Speaker of the NY City Council to the board of Lincoln Center for the Performing Arts. He is a graduate of Harvard University.

**Dr. Marta Moreno Vega**

Dr. Marta Moreno Vega is an Adjunct Associate Professor teaching Afro-Caribbean Religions and Afro Latinos in New York City at Hunter College/CUNY. Previously, Dr. Moreno Vega served as Assistant Professor at Baruch College's Black and Hispanic Studies Department (1996-2000). She is co-editor of *Voices From the Battlefield: Achieving Cultural Equity* (Africa World Press), and the author of *The Altar of My Soul - The Living Traditions of Santería* (One World/ Ballantine Books/Random House), and *When the Spirits Dance Mambo* (Three Rivers Press/Random House). Dr. Vega is also the executive producer of the documentary *When the Spirits Dance Mambo*, a documentary focused on the African-based religions of Cuba. She is the Founder and President of the Caribbean Cultural Center African Diaspora Institute and former Director of El Museo del Barrio and creator of Amigos del Museo del Barrio, Inc. Dr. Vega is one of the Founders of the Association of Hispanic Arts and its first Director. She is also one of the founders of the Network of Centers of Color and the Roundtable of Center of Colors. Dr. Vega received her Doctorate from Temple University in May 1995.

**NEW YORK STATE COUNCIL ON THE ARTS  
ORGANIZATION AND STAFFING CHART (August 2014)**



## Summary of FY2014 Applications

| Program                       | # Apps      | # Grants    | Success Rate | NYS Funds           | Federal Funds    | Total Funds         |
|-------------------------------|-------------|-------------|--------------|---------------------|------------------|---------------------|
| Architecture + Design         | 111         | 42          | 38%          | \$889,579           | \$9,000          | \$898,579           |
| Arts Education                | 247         | 225         | 91%          | \$2,361,567         | \$450,100        | \$2,811,667         |
| Dance                         | 129         | 108         | 84%          | \$2,068,886         | \$0              | \$2,068,886         |
| Electronic Media & Film       | 114         | 108         | 95%          | \$1,838,685         | \$0              | \$1,838,685         |
| Facilities                    | 30          | 20          | 67%          | \$658,630           | \$0              | \$658,630           |
| Folk Arts                     | 81          | 75          | 93%          | \$1,051,600         | \$88,000         | \$1,139,600         |
| Individual Artists            | 225         | 82          | 36%          | \$1,103,550         | \$0              | \$1,103,550         |
| Literature                    | 114         | 106         | 93%          | \$1,059,210         | \$2,900          | \$1,062,110         |
| Museum                        | 145         | 124         | 86%          | \$3,570,830         | \$0              | \$3,570,830         |
| Music                         | 216         | 205         | 95%          | \$2,894,093         | \$0              | \$2,894,093         |
| Presenting                    | 143         | 121         | 85%          | \$1,870,336         | \$0              | \$1,870,336         |
| Regional Economic Development | 148         | 70          | 47%          | \$3,997,063         | \$0              | \$3,997,063         |
| Special Arts Services         | 134         | 122         | 91%          | \$2,073,460         | \$120,000        | \$2,193,460         |
| State & Local Partnership     | 117         | 109         | 93%          | \$3,115,653         | \$0              | \$3,115,653         |
| Decentralization              | 31          | 31          | 100%         | \$3,141,075         | \$0              | \$3,141,075         |
| Theatre                       | 306         | 282         | 92%          | \$2,784,349         | \$0              | \$2,784,349         |
| Visual Arts                   | 94          | 80          | 85%          | \$1,165,434         | \$0              | \$1,165,434         |
| <b>GRAND TOTAL</b>            | <b>2385</b> | <b>1910</b> | <b>81%</b>   | <b>\$35,644,000</b> | <b>\$670,000</b> | <b>\$36,314,000</b> |

New York State Council on the Arts Budget Summary  
FY2004 - FY2014

|  | FY2004-05           | FY2005-06           | FY2006-07           | FY2007-08           | FY2008-09           | FY2009-10           | FY2010-11           | FY2011-12           | FY2012-13           | FY2013-14           | FY2014-15           |
|--|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| <b>GENERAL FUND STATE OPERATIONS - TOTAL</b> | <b>\$4,921,000</b>  | <b>\$5,300,000</b>  | <b>\$5,656,000</b>  | <b>\$6,066,000</b>  | <b>\$6,142,000</b>  | <b>\$5,282,000</b>  | <b>\$4,838,000</b>  | <b>\$4,354,000</b>  | <b>\$4,119,000</b>  | <b>\$4,119,000</b>  | <b>\$4,119,000</b>  |
| Personal Service (Staffing)                  | \$3,173,000         | \$3,508,000         | \$3,819,000         | \$4,183,000         | \$4,141,300         | \$3,718,000         | \$3,198,000         | \$2,879,000         | \$2,350,000         | \$2,350,000         | \$2,350,000         |
| Nonpersonal Service                          | \$1,748,000         | \$1,792,000         | \$1,837,000         | \$1,883,000         | \$2,000,700         | \$1,564,000         | \$1,640,000         | \$1,475,000         | \$1,769,000         | \$1,769,000         | \$1,769,000         |
| <b>GENERAL FUND LOCAL ASSISTANCE - TOTAL</b> | <b>\$37,400,000</b> | <b>\$37,400,000</b> | <b>\$43,500,000</b> | <b>\$49,000,000</b> | <b>\$38,900,000</b> | <b>\$41,602,580</b> | <b>\$34,796,717</b> | <b>\$31,635,000</b> | <b>\$35,635,000</b> | <b>\$35,635,000</b> | <b>\$35,635,000</b> |
| Local Assistance (Grantmaking)               | \$37,400,000        | \$37,400,000        | \$40,000,000        | \$47,500,000        | \$38,433,000        | \$37,852,606        | \$34,796,717        | \$31,635,000        | \$35,635,000        | \$35,635,000        | \$35,635,000        |
| Stabilization                                |                     |                     | \$500,000           | \$500,000           | \$467,000           | \$250,000           |                     |                     |                     |                     |                     |
| Supplemental Local                           |                     |                     | \$1,000,000         | \$1,000,000         |                     | \$3,499,974         |                     |                     |                     |                     |                     |
| Collections Digitization                     |                     |                     | \$2,000,000         |                     |                     |                     |                     |                     |                     |                     |                     |
| <b>FEDERAL - TOTAL</b>                       | <b>\$817,800</b>    | <b>\$449,485</b>    | <b>\$139,174</b>    | <b>\$785,200</b>    | <b>\$887,000</b>    | <b>\$1,342,300</b>  | <b>\$995,100</b>    | <b>\$750,306</b>    | <b>\$727,700</b>    | <b>\$670,000</b>    | <b>\$674,366</b>    |
| NEA - Poetry Out Loud (POL)                  | \$30,000            |                     | \$8,000             |                     |                     | \$20,000            | \$20,000            | \$20,000            | \$17,500            | \$17,500            | \$20,000            |
| NEA - State Arts Plan                        | \$787,800           | \$449,485           | \$131,174           | \$785,200           | \$887,000           | \$807,200           | \$824,800           | \$598,806           | \$595,500           | \$549,900           | \$548,466           |
| NEA - Underserved Communities                |                     |                     |                     |                     |                     | \$75,400            | \$111,100           | \$91,200            | \$82,200            | \$80,800            | \$82,800            |
| NEA - Arts Education                         |                     |                     |                     |                     |                     | \$39,800            | \$39,200            | \$40,300            | \$31,900            | \$21,800            | \$23,100            |
| NEA - ARRA (Stimulus)                        |                     |                     |                     |                     |                     | \$399,900           |                     |                     |                     |                     |                     |