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GOVERNOR

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**EXECUTIVE ORDER NO. 011 - 2020**

**AN EXECUTIVE ORDER AMENDING E.O. 04-85 CLARIFYING THE SCOPE AND RESPONSIBILITIES OF THE AMERICAN SAMOA COUNCIL ON THE ARTS, CULTURE, AND HUMANITIES.**

**Section 1: Authority and Purpose of this Order**

This Executive Order is issued under the authority granted to the Governor in Article IV, Section 6 and Section 7 of the American Samoa Revised Constitution and the American Samoa Code Annotated (A.S.C.A.) §4.0111 and §4.0302(a). The purpose of this order is to clarify the roles, responsibilities, and duties of the American Samoa Council on the Arts, Culture, and Humanities.

**Section 2: Establishment of the Council**

There is hereby established in the Office of the Governor the Arts and Museum Council, formerly known as the American Samoa Council on the Arts, Culture, and Humanities (hereinafter referred to as "Council") consisting of an Advisory Board, Executive Director and Professional Staff. The Council's powers, duties, and responsibilities shall be provided for under the provisions of this order, and subject to the ultimate authority of the Governor.

**Section 3: Purpose of the Council**

- a) The purpose of the Council shall be for the establishment and formulation of a general policy for the promotion, advancement, and maintenance of the arts, humanities, museum, and the Samoan culture. The Council shall also endeavor to sponsor training programs in the arts and humanities not only for American Samoa, but also conduct intercultural exchange programs and art performances with other states, countries, and societies, if applicable and permissible under local and federal laws.
- b) The Council may establish programs in American Samoa in artistic cultural activities, including but not limited to music, theater, dance, painting, sculpture, architecture, arts and crafts, and non-Samoan arts, and to also make recommendations concerning appropriate methods to encourage participation in an appreciation of the arts.
- c) The Council shall take steps necessary and appropriate to encourage public interest in the cultural heritage of the Territory and to expand the Territory's cultural resources.

- d) The Council shall encourage and assist freedom of artistic expression essential for the well-being of the arts.

**Section 4: Advisory Board: Membership, Terms, Meetings**

- a) The Advisory Board shall consist of seven (7) members appointed by the Governor from among the residents of American Samoa. The members of the Advisory Board shall serve at the pleasure of the Governor and based on availability of the Council's budget, shall receive compensation for their services, and shall be entitled to travel pay per diem when travelling on official business at the discretion of the Executive Director.
- b) The Governor shall designate a Chairman and Vice-Chairman from the members of the Advisory Board to serve as such at the pleasure of the Governor.
- c) The Advisory Board shall meet at least five (5) times during each fiscal year or whenever necessary at the request of the Governor. Four (4) members shall constitute a quorum in order to conduct business. Remote meetings via conference call or video conferencing technology is allowed for the purpose of official meetings.

**Section 5: Executive Director and Staff**

- a) There is hereby established a professional staff which shall administer the decisions and policies of the Council.
- b) The professional staff shall be headed by an Executive Director who shall be appointed by the Governor for a term of four years. The Executive Director shall also serve as an ex-officio member of the Advisory Board.
- c) The wages and salaries of the Executive Director shall be set by the Governor; the wages and salaries of the members of the professional staff shall be set by the Executive Director. All wages and salaries of the Council are subject to the approval of the Governor and in accordance with the regulations of the Department of Human Resources.

**Section 6: Powers and Duties of the Advisory Board and Executive Director**

In order to further the mission of the Council, the following powers and duties are assigned to the Advisory Board and Executive Director:

I. Advisory Board

- a) The Advisory Board shall establish rules and by-laws for the Council's operations, subject to the approval of the Governor and in accordance with the Administrative Procedures Act, A.S.C.A. §4.1001 et seq.

- b) The Advisory Board shall determine and approve procedures and policies on all program development for the promotion and advancement of the arts, humanities, and all aspects of the Samoan Culture, as well as the intercultural exchanges of the arts and humanities among other countries and societies.

## II. Executive Director

- a) The Executive Director shall develop and prepare applications for all federal grants, subject to the approval of the Governor, and in this connection, the Council acts as a state agency for the purpose of fulfilling all necessary requirements as provided for under the provisions of the National Foundation on the Arts and Humanities Act (2 USC 951 et. seq.) and other applicable regulations and laws of the Federal Government.
- b) The Council may accept gifts, donations, bequests, or devises of money or other property, personal or real with or without condition, in support of its general purpose and objectives. The acceptance of said property is to be coordinated by the Executive Director.
- c) The Executive Director shall: prepare an annual budget to carry out its established policies and programs; review on a quarterly basis all its program activities and operations; provide annual budget to carry out its established policies and programs; provide annually a post auditor all its financial transactions for each fiscal year; and submit an annual report for each fiscal year to the Governor no later than January 1<sup>st</sup> of each year. Prior to submission to the Governor for final approval, each of the aforementioned reports, budgets, and reviews are to be submitted to the Advisory Board for preliminary approval.
- d) The Executive Director shall exercise all other duties and responsibilities not inconsistent with applicable rules, regulations, and laws of American Samoa and the United States.

### **Section 7: Relationship with Museum of American Samoa**

The Council, in practice, has been responsible for the operations and maintenance of the Museum of American Samoa (and at one point, was recognized as the Jean P. Haydon Museum, hereinafter the “Museum”) established in ASCA 17.0401 et seq. This order formalizes that relationship and brings the Museum into the purview of the Council for purposes of budgeting and operations. The guiding principles of the relationship are set forth as follows:

- a) The Board of Trustees of the Museum shall be appointed by the Governor for a period of 2 years.
- b) The management of the affairs of the Museum shall be under the leadership and direction of the Executive Director of the Arts Council, an ex-officio member of the Board of Trustees; the functions therein will be in conjunction with the Board of Trustees of the Museum.

- c) Professional Staff of the Museum: under the leadership of the Executive Director, the professional staff shall consist of a curator, programs staff, finance staff, and preservation and maintenance staff.

**Section 8: Funding Sources of the Museum**

In addition to the stated intention of the Legislature to appropriate local revenue to operate the Museum in A.S.C.A. §17.0403, the Council may seek grant funding as necessary and appropriate. For purposes of grant applications or other non-American Samoa Government funding sources, the Executive Director may apply on behalf of and for the benefit of the Museum.

**Section 9: Solicited Money Donations of the Museum**

The Council may solicit and receive donations, monies, or real and personal properties in support of its goal and objectives. Money received in this manner shall be deposited in a bank account under the name of the Museum and such funds shall be expended as conditioned by written agreement between the donors and the Museum (as overseen by the Executive Director and the Board of Trustees of the Museum).

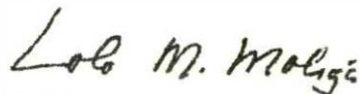
**Section 10: Rescission of Prior Orders**

Executive Orders 01-1982 and 04-1985 and all other prior executive orders which establish the Council are hereby rescinded and superseded in their entirety.

**Section 11: Effective Date**

This order shall take effect immediately.

DATE: October 31, 2020



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LOLO M. MOLIGA  
Governor of American Samoa