PUBLIC ART COMMISSION

BROWN ACT, ROLE OF COMMISSION, COMMISSION PROCEDURES

Duties of the Commission

- Primary Duty: "to identify and actively encourage the development and sustainability of the arts in the city by serving as the City's primary resource in the matters of art, culture, public art, [and] tourism."
- Advisory Body: Review and make recommendations to the City Council
- Annual Public Arts Plan: April 1 of each year
 - Section 5-01.04(b)
- At least four meetings a year (quarterly)

Policies and Procedures Manual

 Policies for the Commission's implementation of the Ordinance (Ordinance No. 2595—Ordinance Establishing the Public Art Commission)

 Funding policies and procedures (p. 4); Selection of Artists and Artwork (p. 5)

Brown Act and Open Government Laws

- Transparency: promotes understanding and trust in government
- California's transparency laws
 - Brown Act: conduct the public's business in open and publicized meetings (closed session exceptions); allow the public to participate in meetings
 - Open and Public V: A Guide to the Ralph M. Brown Act
 - https://www.calcities.org/resource/open-public-v-a-guide-to-the-ralph-m-brown-act
 - Public Records Act: allow public inspection of records
 - The People's Business: A Guide to the California Public Records Act
 - https://www.calcities.org/resource/the-people's-business-a-guide-to-the-california-public-records-act

- Public agency decision-making bodies ("legislative bodies") must conduct their business in open and public meetings
- "Legislative body": governing board of local agency (City Council), commissions, committees, board, or other bodies
 - Decision-making or advisory
 - Created by charter ordinance, resolution or other formal action of the legislative body

- "Meeting": any situation involving a quorum (majority) of a decision-making body in which agency business is transacted or discussed
 - Majority cannot talk privately about agency business whether by telephone, email or at a local coffee shop
 - Quorum defined in SMC §3-01.04
- Serial Meetings: series of communications that result in a majority of the governing body members having conferred on an issue to develop a "collective concurrence"
 - Email
 - Committee and staff communications
 - Assembly Bill 992: Social Media

- Permissible Gatherings
 - Educational conferences
 - Social or ceremonial events
 - Community meetings not organized by the City
 - Basic rule: majority cannot gather and discuss agency business and cannot determine an issue; must occur at an open and public meeting

- Notice and Agenda Requirements
 - In general, public officials my only discuss and act on items included on the posted agenda for a meeting
 - Public must be informed of the time and place and items
 - Agenda must be posted at least 72-hours in advance
 - Limited exceptions (special or emergency meetings)
 - Public comment--allows public participation in the meetings
 - Rule one: tell the public what the body will be doing
 - Rule two: keep the public informed while the body is doing it
 - Rule three: when the body has acted, tell the public what happened
 - Officials may request that a matter be placed on the agenda for a future meeting
 - Only under extraordinary circumstances can matters be added to the agenda
 - Remote participation: AB 2449

- Penalties and Remedies for Brown Act Violations
 - Criminal penalties: misdemeanor
 - Civil remedies
 - Injunctive relief (District Attorney or private individual)
 - Invalidation of action (action is null and void)
 - Notice to cure
 - Attorney's fees

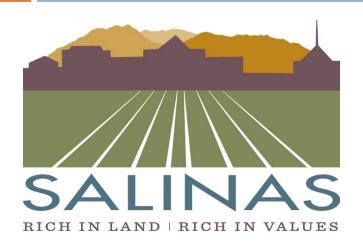
Composition and Governance; Uniform Bylaws

- Seven members; appointed by Mayor and Council members from the residents, at-large
- Uniform Bylaws for Commissions, Committees, Boards
 - Officers: Chair and Vice Chair, elected annually in July (one-year terms; limited to two consecutive terms)
 - Executive Secretary: Department Director (prepares agendas and serves as technical advisor to Commission)
 - Attendance Requirements: Minimum of 75% of all scheduled meetings, per calendar year
 - Quorum: A majority of the appointed members
 - Voting: Majority of the quorum required for action

Conduct of Meetings

- Parliamentary Procedure
 - Robert's Rules of Order; Rosenberg's Rules of Order
 - Chairperson controls the meeting (Bylaws Section 2, Art. 2)
 - Order of speaking
 - Making and considering motions (majority of the quorum, generally)
 - Recording of votes: Roll Call Votes
 - "Cheat Sheet" on dais
- Rules of Decorum
 - Established by Resolution of the City Council
- Ethics Principles

City Seal and City Logo





Questions

□ Questions?