

PUBLIC ART COMMISSION

BROWN ACT, ROLE OF COMMISSION, COMMISSION
PROCEDURES

November 17, 2025

Duties of the Commission

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- 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

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- 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>

Open and Public Meetings

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- 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

Open and Public Meetings

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- “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

Open and Public Meetings

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□ 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

Open and Public Meetings

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- Notice and Agenda Requirements
 - ▣ In general, public officials may 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

Open and Public Meetings

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- 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

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- 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

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- 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

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Questions

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□ Questions?