



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Economic Development Division

m e m o r a n d u m

TO: Public Arts Commission

FROM: Lisa Hatchadoorian, Public Arts Coordinator

DATE: October 6, 2014

SUBJECT: **Public Arts Commission By-laws**

Introduction and Background

The purpose of the Public Arts Commission is to advise the Mayor and City Council on public art goals, objectives, and resource allocations; monitor, evaluate, and recommend public art activities; seek out and receive community input; and represent the population in public art activities and other duties as outlined by Ordinance No. 2008-03-013. The Public Arts Commission shall be supported by staff of the Economic Development Division of the Community Development Services Department of the City of Urbana, specifically the Public Arts Coordinator and Administrative Assistant of the Community Development Department of the City of Urbana.

The Public Arts Commission was created by Urbana City Council Ordinance No. 2008-03-013 and passed on April 21, 2008.

The purpose of the by-laws is to establish procedures for organizing the business of the City of Urbana Public Arts Commission in executing its duties and responsibilities. In addition to the by-laws, the Open Meetings Act (OMA- <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=84&ChapterID=2>) is designed to ensure that Illinois residents have access to their government. The Open Meetings Act defines a “public body” to include “all legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue, except the General Assembly and committees or commissions thereof.”

The Open Meetings Act is a state law that requires that meetings of public bodies be open to the

public except in certain specific, limited situations where the law authorizes the public body to close a meeting. OMA also provides that the public must be given advance notice of the time, place and subject matter of meetings of public bodies.

The Open Meetings Act defines “meeting” to include “any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business.

The Public Arts Commission by-laws also include a section on public input as recommended by the Legal Department of the City of Urbana with the stipulation that the by-laws include the following as they relate to public input:

- (i) where public input appears on the agenda
- (ii) how long each member of the public shall have for input
- (iii) reduced time limits for an individual’s public input where a threshold number of members of the public seek to provide public input
- (iv) limitations that public input be limited to topics germane to the agenda
- (v) no member of the board, commission or committee which receives public input is obligated to respond to anything contained a person’s public input.

Recommendation

Staff recommends that the Public Arts Commission review the information above and the attached by-laws, suggest any changes or edits and be prepared to vote on the above by-laws for the Public Arts Commission at the November 2014 meeting.

Prepared by:



Lisa Hatchadoorian
Public Arts Coordinator

Attachment A. City of Urbana Public Arts Commission By-laws

Attachment A.

CITY OF URBANA
PUBLIC ARTS COMMISSION
BY-LAWS

Preamble

The purpose of the Public Arts Commission is to advise the Mayor and City Council on public art goals, objectives, and resource allocations; monitor, evaluate, and recommend public art activities; seek out and receive community input; and represent the population in public art activities and other duties as outlined by Ordinance No. 2008-03-013. The Public Arts Commission shall be supported by staff of the Economic Development Division of the Community Development Services Department of the City of Urbana, specifically the Public Arts Coordinator and Administrative Assistant of the Community Development Department of the City of Urbana.

The Public Arts Commission was created by Urbana City Council Ordinance No. 2008-03-013 and passed on April 21, 2008.

The purpose of the by-laws is to establish procedures for organizing the business of the City of Urbana Public Arts Commission in executing its duties and responsibilities.

Article I – Members

Section 1. The Public Arts Commission shall consist of nine (9) members appointed by the Mayor with consent of the City Council.

Section 2. Each member shall be appointed to the Commission for a term of three (3) years in accordance with Section 2-77 of the City Code of Ordinances. Appointment to subsequent terms shall be permissible.

Section 3. The Public Arts Commission shall include residents of the Urbana-Champaign Community representing various segments of the community which have experience, expertise, or interest in the areas of the arts, arts education, planning, neighborhood organizing, event planning, business or another related field. Members shall be chosen from a diverse range of backgrounds, occupations, and artistic venues, with the intention of reflecting the full diversity of the arts community. There shall be no requirement that the Commission be balanced with an equal number of residents from either city, residents from professional backgrounds, and residents generally interested in the arts and/or community development.

Section 4. Members appointed to fill vacancies shall be recommended by the Mayor and approved by the City Council in accordance with Section 2-77 of the City Code of Ordinances and shall serve for the unexpired period of the vacated term.

Section 5. In the event that a member misses three consecutive regular meetings (exclusive of special meetings) without notifying the Secretary or the Chair at least 24 hours in advance, the Chair may request staff to prepare a letter notifying the Mayor of the individual member's absence and the Mayor may then declare a vacancy and make a new appointment to the position held by that member.

Section 6. A member of the Commission who notifies the Chairperson, Public Arts Coordinator or Secretary of the Commission of his or her absence shall be listed as "Excused" in the minutes of the meeting.

Section 7. A member of the Commission may be removed by the Mayor for good cause.

Section 8. No member of the Public Arts Commission, or any appointed sub-committee shall receive compensation for his or her services.

Article II - Officers

Section 1. One (1) member of the Commission shall be appointed to the position of Chair. The Chair shall be appointed by the Mayor and approved by the City Council in accordance with Section 2-77 of the City Code of Ordinances. In the temporary absence of the Chair, an acting Chair shall, based upon interest and length of tenure on the Commission, be recommended and selected by the Public Arts Commission by majority vote. The Commission may also choose to appoint a permanent Vice-Chair by majority vote to assume the duties of the Chair in his or her absence.

Section 2. The Chair shall generally serve for a term of three (3) years. The Chair may be appointed for subsequent three (3) year terms.

Section 3. The Chairperson shall preside over meetings. In the absence of the Chairperson, the Vice-Chair shall preside over the meeting.

Article III – Sub-committees

Section 1. The Public Arts Commission shall appoint sub-committees as deemed necessary. Sub-committees and selection committees shall serve in an advisory capacity to the Public Arts Commission.

Article IV – Meetings

Section 1. The Public Arts Commission will hold regularly scheduled meetings once a month and at least quarterly. The meetings will be held on the second Tuesday of each month at 4:30 p.m. in the Urbana City Council Chambers unless otherwise announced.

Section 2. Regularly scheduled Public Arts Commission meetings shall be open to the public in accordance with the Illinois Revised Statutes, Open Meetings Act. Closed sessions are only permitted in accordance with the Open Meetings Act.

Section 3. A majority of duly appointed Public Arts Commission members then holding office shall constitute a quorum. In cases where a quorum is not present, public hearings may be continued by the

Commission until such time when a quorum is present. No case shall be decided or voted upon without a quorum present.

Section 4. Any action taken by the Public Arts Commission requires an affirmative vote of the simple majority of a quorum of Public Arts Commission members after a motion has been made by one member and seconded by another member. The Chair is a voting member of the Commission.

Section 5. Staff assistance for the Commission shall be provided by the Public Arts Coordinator and other Economic Development Division staff as appropriate. The Administrative Assistant of the Community Development Department or his or her assignee shall record minutes of each meeting.

Section 6. The Commission may hold meetings in the form of study sessions in addition to its regular monthly meetings, provided that public notice is given in accordance with the Illinois Revised Statutes, Open Meetings Act.

Section 7. A special meeting may be called by the Manager of the Economic Development Division or by the Chair of the Public Arts Commission. At least forty-eight (48) hours notice must be given before a special meeting may take place. A quorum is required before business can be discussed.

Section 8. The agenda for each meeting and the order of business shall be as follows:

- A. Call to order, roll call, and declaration of quorum
- B. Changes to the Agenda
- C. Approval of Minutes of previous meeting
- D. Communications
 - 1. Staff report
- E. Old business
- F. New business
- G. Announcements
- H. Adjournment

Section 9. Parliamentary procedures in Commission meetings shall be governed by *Roberts Rules of Order*.

Section 10. The Commission may hold public hearings from time to time on special topics and projects. Unless otherwise determined by the Chair, the procedure at a hearing shall be as follows:

- A. The Chair opens the public hearing.
- B. Staff presents summary of the case.
- C. Petitioner outlines request and presents evidence.
- D. Other Proponents present evidence.
- E. Opponents present evidence and may ask questions of Petitioner.
- F. Others may be heard.
- G. Staff may make additional comments or clarification.
- H. Petitioner may offer rebuttal.
- I. Petitioner may present a summary of his/her petition.

- J. Commission discusses the case.
- K. Commission may vote on the case.

Questions from the Commission may be directed at any time to the applicant, staff or public to clarify evidence presented in the hearing. The Commission shall not be bound by strict rules of evidence. The Commission may exclude irrelevant, immaterial, incompetent or repetitious testimony or other evidence.

Section 11. Continuance of Commission items may be granted to a specific time and date, at the discretion of the Commission, for good cause shown, at the request of staff or any interested party who has entered his/her appearance.

Section 12. The Secretary of the Commission shall be responsible for proper notification of public hearings and notification of all meetings must be in compliance with the Open Meetings Act.

Article V – Public Input

Section 1. Any person who seeks to address the members of the commission will be permitted to speak on any matter listed on the agenda or on any other matter of public concern, subject to the following provisions:

Section 2. The chair shall designate a time during the meeting at which the public may address the members. The chair may require persons wishing to speak during any portion of a meeting to sign in before the start of the meeting and to provide their names, and some contact information, as well as topics to be discussed.

Section 3. Prior to speaking, each person must be recognized by the chair and must state his or her name and address for the record. All reasonable efforts will be made to accommodate the public.

Section 4. Public comment is limited to no more than five (5) minutes per person and to no more than one (1) hour per meeting, unless extended by consent of a majority vote of the members present. The chair or his or her designee shall monitor each speaker's use of time and shall notify the speaker when the time allotted has expired.

Section 5. If the presiding officer recognizes that more than twenty (20) persons desire to speak, he or she may limit each speaker to comments of no more than three (3) minutes. Whenever any group of persons wishes to address the members on the same subject matter, the presiding officer may ask that a spokesperson be chosen from the group. If additional matters are to be presented by other persons in the group, the presiding officer may limit the number of such persons and may limit the presentation to information not already presented by the group spokesperson.

Section 6. Persons invited by the presiding officer to address the members are subject to such time limitations as the majority of the members present may prescribe.

Section 7. One person may speak at a time, if not the presiding officer can call them out of order.

Section 8. No member of the commission is obligated to respond to anything contained in a person's public input.

Article VI – Conflicts of Interest

Section 1. Any member of the Commission who has a conflict of interest in a matter before the Commission shall not participate in the discussion or vote thereon. Conflicts of interest may arise from various scenarios including, but not limited to: financial, ownership or property interests, familial conflicts with artistic commissions, conflicts with employment or appointments, or conflicts with a publicly stated opinion on a pending application.

Section 2: If it is determined that a member of the Commission has a conflict of interest, he or she must state so and remove himself or herself from the discussion and from the table while the matter is resolved. Such action shall not affect the quorum established to conduct the meeting. The Commission member's recusal will be considered an abstention and shall not be counted as either an aye or a nay vote. Further, the abstaining member shall not be counted in determining the total number of votes required for approval of a matter before the Commission, any statute, ordinance or rule of parliamentary procedure to the contrary notwithstanding.

Section 3: A Commission member who has publicly stated a position in the press, in a public forum or on a public petition in regards to a case prior to that case being voted on by the Commission shall be deemed a conflict of interest. In this event, the Commission member shall indicate a conflict of interest as described herein and shall recuse themselves from participating in that case.

Section 4: The Chair, after consulting with the Economic Development Manager or his/her designee and the City Attorney, shall determine if a by-Law has been violated for the purposes of determining a conflict of interest. The determination of the Chair is subject to being over-ruled by the Commission.

Article VII – Amendments

These by-laws may be amended by a motion of the Public Arts Commission, and a two-thirds vote of a quorum of Public Arts Commission members.