

# TRAVERSE CITY ART SELECTION PANEL BYLAWS

(Adopted April 2, 2016, amended May 1, 2017 and February 27, 2019)

## **PURPOSE:**

These Art Selection Panel Bylaws are adopted pursuant to the Traverse City Code to acquaint the people of Traverse City and persons appearing before the Panel with the operation of the Panel so that matters coming before this body can be handled in an understanding, prompt and efficient manner.

## **I. AUTHORITY AND JURISDICTION:**

The Traverse City Art Selection Panel derives its authority from City Ordinance Section 299.03. The Art Selection Panel has the powers and duties authorized and directed by Chapter 299 of the City's Ordinances. This Chapter also provides for establishing the membership of the Panel and the meetings of the Panel.

## **II. OFFICERS:**

A. A Chairperson, Vice-Chairperson and Secretary shall be elected by majority vote of the members of the Panel every year at the first regular meeting in the month of April.

Such other officers as are deemed necessary and advisable for the conduct of business shall be appointed as required and provided for by the Panel.

B. The Chairperson shall preside at all meetings and shall appoint such committees as may be authorized by the Panel, and be an ex-officio member of such committees.

The Chairperson, subject to these rules, shall decide all points of order or procedure, subject to appeal by a member of the Panel, which shall be determined by a majority of the members of the Panel present. In the event an appeal is taken by any member from the ruling of the presiding officer, the Panel member desiring to appeal shall state that a claim of appeal is being taken and shall state briefly what in that Panel member's opinion the ruling should have been. If this appeal is seconded, the recording secretary shall state clearly the question at issue, and then shall call for the vote of the Commission on the question: "Shall the decision of the presiding officer be sustained?" Such decision shall be final and shall be binding on the presiding officer.

C. The Vice-Chairperson shall preside and exercise all of the duties of the Chairperson in his or her absence. Should neither the Chairperson, nor the Vice-Chairperson be present at a meeting, a temporary Chairperson shall be elected by a majority of the members present.

D. The Secretary shall record the meeting minutes. Administrative staff may act as the recording secretary of the Panel.

E. In the event that an officer shall leave the Panel before the expiration of his or her term, an individual shall be appointed to the vacancy in the same manner for Art Selection Panel appointments as defined by City ordinance.

- F. Any member of the Art Selection Panel that is absent without an acceptable excuse for three (3) consecutive regular meetings, may be removed by the Arts Commission.

**III. MEETINGS:**

- A. All Panel meetings shall be open to the public.
- B. The Panel shall schedule regular meetings as needed. The regular meetings of the Panel shall be held on the first Monday of each month, except when such Monday falls on a legal holiday or conflicts with the meeting schedule.
- C. A special meeting of the Panel may be called by the Chairperson, the Vice-Chairperson in the event the Chairperson is out of town, any three members of the Panel, or the Staff person assigned to assist the Panel. Each member of the Panel must receive at least eighteen (18) hours notice as to the time, place and purpose of the meeting in writing, distributed to them, except that the announcement of a special meeting at a time at which all members are present shall be sufficient notice of such meeting. In the event a request to call a Special Meeting is initiated by a member of the Panel other than the Chairperson, or Vice-Chairperson in the event the Chairperson is out of town, the initiating Panel member shall submit a written request to the Staff person assigned to assist the Panel requesting the Special Meeting. The request shall contain the item(s) to be considered. The Staff person assigned to assist the Panel shall then forward the request within two business days to the Panel and request if there are two (2) additional Panel members who would like to call the Special Meeting; and any Panel members who would like to join in making the request shall respond directly to the Staff person assigned to assist the Panel.
- D. Meeting agendas shall be prepared by the Chairperson with the assistance of Staff if necessary. The Staff engaged to assist the Panel or any member of the Panel may place items on the agenda; items to be placed on the agenda by a member of the Panel shall be submitted at least seven (7) calendar days in advance of the given meeting, unless for a special meeting called for a specific purpose in accordance with these Bylaws. The agenda shall be sent to the Panel no later than the Friday preceding the regularly scheduled meeting. The Panel shall only consider the items listed on the originally released agenda, unless four (4) members of the Panel, by affirmative vote, suspend this rule to add an item to the agenda.
- E. A quorum of four (4) members must be present to constitute an official meeting of the Panel.
- F. The conduct of the Panel business shall be governed by the current edition of Robert's Rules of Order unless otherwise modified by law, ordinance, or these bylaws.

**IV. VOTES:**

The concurring vote of a majority of members present at a regular or special meeting shall be necessary to pass on any matter referred to them.

**V. PROCEDURE:**

A. All inquiries, applications or matters requiring official action by the Panel shall be submitted in writing at the offices of the City Manager or the Staff person assigned to assist the Panel. This must be done at least seven (7) days prior to the meeting of the Panel at which consideration is requested.

B. All proceedings, decisions and resolutions of the Panel shall be initiated by motion. The vote upon motions and resolutions may be recorded by roll-call vote. All members, including the Chairperson, shall vote on each motion unless they have stated there is a conflict of interest, or the appearance of a conflict of interest, as defined in these bylaws.

C. In the event a petitioner requests that his or her item be tabled, after it has been published, noticed and scheduled, the public hearing may be held to allow interested citizens an opportunity to speak to the request, then tabled to a specific future meeting and scheduled in sequence on the agenda.

D. Whenever there is an administrative decision to be made by the Panel, members of the Panel shall avoid ex parte contact. An administrative decision is when there is an applicant for a decision to be made by the Panel, such as selection of an artist or a piece of public art pursuant to City Ordinance, Chapter 299. Ex parte contact is contact with the prospective artist or source of the art outside of a Panel meeting when there is a pending administrative decision, regardless of means, such as a telephone conversation, email, or in-person conversation. In the event such contact is made, the member of the Panel shall submit a document to the staff member assigned to the Panel outlining the nature of the contact, what was said, and the staff assigned shall provide the document to the members of the Panel and include the document in the next meeting packet, and feature it on the agenda as a “report.”

**VI. PUBLIC COMMENT AT REGULAR MEETINGS.** The Art Selection Panel welcomes public comment and has prescribed the following to facilitate the conduct of public business.

A. Public Comment during Agenda Items. Any interested person wishing to address the Art Selection Panel regarding an agenda item may do so during discussion of an agenda item prior to action recognized by the presiding officer or upon request of any Panel member. All persons are requested to identify themselves and their address and direct their comments to the Panel. The comment of any member of the public or any

special interest group may be limited in time to five minutes except as provided in subsection (D). As part of its deliberation, the Art Selection Panel may clarify, answer questions and ask questions as a result of public comment.

- B. Public Comment during the designated Public Comment Section - General. Any interested person wishing to address the Art Selection Panel regarding other matters may do so under the designated Public Comment section. All persons are requested identify themselves and their address and direct their comments to the Panel. The comment of any member of the public or any special interest group may be limited in time to five minutes except as provided in subsection (D). Questions posed may be answered at the meeting or may be referred to staff for response at a later time.
- C. Public Comment during the designated Public Comment Section – Art Selection Panel Members. Panel members interested in making a public comment may do so under the designated Public Comment section. Further, Panel members may briefly respond for clarification purposes as a result of public comment.
- D. Order and Duration of any Public Comment. The presiding officer shall control the order and duration of any public comment subject to appeal. The presiding officer shall have the authority to limit and terminate any public comment that becomes disruptive, unduly repetitive, or impedes the orderly progress of the meeting. Items not appearing on the agenda will not be acted upon by the Art Selection Panel except in accordance with these rules.

**VII. AMENDMENTS:**

- A. These bylaws may be amended or modified provided that such amendment or modification is presented in writing at a meeting, and that favorable action is taken thereon at a subsequent meeting.
- B. Four (4) members of the Panel by due motion and recorded vote may suspend or vary the application of these rules to a particular application, case, problem or proceeding pending before the Panel.

I hereby certify that the above Bylaws were adopted on April 4, 2016, at a regular meeting, and amended on May 1, 2017 and on February 27, 2019, at a regular meeting of the Art Selection Panel.

  
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Katelyn Zeits, Deputy City Clerk  
Recording Secretary