

TRAVERSE CITY ARTS COMMISSION BYLAWS

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(Adopted 11/18/15, Amended 10/17/18)

PURPOSE:

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

I. AUTHORITY AND JURISDICTION:

The Traverse City Arts Commission derives its authority from City Ordinance Section 299.03. The Arts Commission 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 Commission, the meetings of the Commission and grants the authority to the Commission to adopt rules and procedures for the conduct of their business.

II. OFFICERS:

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

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

- B. The Chairperson shall preside at all meetings and shall appoint such committees as may be authorized by the Commission, 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 Commission, which shall be determined by a majority of the members of the Commission present. In the event an appeal is taken by any member from the ruling of the presiding officer, the Commissioner desiring to appeal shall state that a claim of appeal is being taken and shall state briefly what in that Commissioner'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 Commission.
- E. In the event that an officer shall leave the Commission before the expiration of his or her term, an individual shall be appointed to the vacancy in the same manner for Arts Commission appointments as defined by City ordinance.
- F. Any member of the Arts Commission that is absent without an acceptable excuse for three (3) consecutive regular meetings, may be removed by the City Commission.

III. DIRECTOR.

The Arts Commission, subject to appropriate city approvals, may retain the services of a consultant to serve as Director. The Director is not considered an employee of the city. The role of Director is to advise the Arts Commission on all business coming before it. The Director shall implement all direction given by a majority of the Arts Commission and not direction from individual members of the Arts Commission or less than a majority. Duties of the Director shall be further defined in an agreement between Director and the City. Additionally, the Director shall perform such functions as further defined by the Arts Commission, subject to compliance with city regulations.

IV. MEETINGS:

- A. All Commission meetings shall be open to the public.
- B. The Commission shall schedule regular meetings to be held at least once each month. The regular meetings of the Commission shall be held on the third Wednesday of each month, except when such Wednesday falls on a legal holiday or conflicts with the City Commission meeting schedule.
- C. A special meeting of the Commission may be called by the Chairperson, the Vice-Chairperson in the event the Chairperson is out of town, any three members of the Commission, or the Staff person assigned to assist the Commission. Each member of the Commission 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 Commission other than the Chairperson, or Vice-Chairperson in the event the Chairperson is out of town, the initiating Commissioner shall submit a written request to the Staff person assigned to assist the Commission

requesting the Special Meeting. The request shall contain the item(s) to be considered. The Staff person assigned to assist the Commission shall then forward the request within two business days to the Commission and request if there are two (2) additional Commissioners who would like to call the Special Meeting; and any Commissioner who would like to join in making the request shall respond directly to the Staff person assigned to assist the Commission.

- D. Meeting agendas shall be prepared by Staff , in consultation with the Chairperson. The Staff engaged to assist the Commission or any member of the Commission may place items on the agenda; items to be placed on the agenda by a member of the Commission 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 Commission no later than the Friday preceding the regularly scheduled meeting. The Commission shall only consider the items listed on the originally released agenda, unless five (5) members of the Commission, 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 Commission.
- F. All regular meetings shall begin at 3:30 p.m.
- G. The conduct of the Arts Commission business shall be governed by the current edition of Robert’s Rules of Order unless otherwise modified by law, ordinance, or these bylaws.

V. 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. The adoption of a master plan, or of any such part, amendment, extension or addition shall require the concurring vote of five (5) members of the Commission.

VI. CONFLICT OF INTEREST:

Upon disclosure of a conflict of interest the member may recuse themselves from voting on the issue or participating in the making of a decision.

- A. Appearance of Conflict. An appearance of a conflict exists when a reasonable person would believe that because of certain facts an Arts Commissioner's participation in a proceeding would create an appearance of impropriety, partiality, bias or lack of fairness.

- B. Contractual Conflicts of Interest. The conduct of City officials and employees in relation to conflicts of interest involving contracts shall be as established by State law.

- C. Financial Conflict of Interest. An official or employee who has a financial interest, direct or indirect, in any matter to be decided by the Arts Commission, other than with respect to a contract, shall make that interest known and shall refrain from voting upon or otherwise participating in the making of the decision. Violation of this subsection with the knowledge, express or implied, of the person or corporation dealing with the Arts Commission shall render the decision voidable by the City Commission. Any official or employee violating the provisions of this subsection shall be deemed guilty of a misdemeanor, and upon conviction shall forfeit office. A financial conflict of interest may be waived by the Commission after full disclosure of such conflict to the Commission. Unless otherwise provided by law or ordinance, the remaining members of the Commission in a unanimous vote may rule that the best interests of the City are to be served by removing the prohibition on voting and participating in the matter.

VII. PROCEDURE:

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

- B. All proceedings, decisions and resolutions of the Commission 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 Commission, members of the Commission shall avoid ex parte contact. An administrative decision is when there is an applicant for a decision to be made by the Arts Commission, 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 an Arts Commission 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 Commission shall submit a document to the staff member assigned to the Commission outlining the

nature of the contact, what was said, and the staff assigned shall provide the document to the members of the Commission and include the document in the next meeting packet, and feature it on the agenda as a “report.”

VIII. PUBLIC COMMENT AT REGULAR MEETINGS:

The Arts Commission 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 Arts Commission 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 Commissioner. All persons are requested to identify themselves and their address and direct their comments to the Commission. 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 Arts Commission 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 Arts Commission regarding other matters may do so under the designated Public Comment section. All persons are requested to identify themselves and their address and direct their comments to the Commission. 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 - Arts Commissioners. Arts Commissioners interested in making a public comment may do so under the designated Public Comment section. Further, Arts Commissioners 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 Arts Commission except in accordance with these rules.

IX. 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. Five (5) members of the Commission 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 Commission.

I hereby certify that the above document was adopted by the Traverse City Arts Commission at their November 18, 2015, Regular Meeting and amended at their October 17, 2018, Regular Meeting.

Katelynne Garavaglia
Designated Secretary
Traverse City Arts Commission