

Parks, Art, Recreation, and Culture Advisory Commission

ADVISORY BODY TRAINING – NOVEMBER 2023

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Where did we come from?

- ❖ Boards and Commissions are created by the City Council via Ordinance.
Alaska Statutes 29.20.320 & Homer City Code 2.58.010
- ❖ The Parks and Recreation Commission was established by Ordinance 81-17 effective July 28, 1981.
- ❖ In 2016 it was renamed the Parks, Art, Recreation and Culture Advisory Commission with the adoption of Ordinance 16-22. As the title indicates, the commission assumed the duties and responsibilities of the Public Arts Committee.

HCC 2.60.040

Duties & Responsibilities

- a. Act in an advisory capacity to the City Manager and the City Council on matters involving:
1. City parks.
 2. Recreation facilities.
 3. Public beaches and trails.
 4. Support of the arts.
 5. Acquisition, maintenance and disposition of works of art.
 6. Land use and future development related to parks and recreation facilities.
 7. The administration of the public arts fund established by HCC 18.07.090.

Any recommendation by the Commission regarding the matters described above shall be directed to the City Council through the City Manager, except that the recommendation shall be sent directly to the Council when the Commission so requests.

HCC 2.60.040

Duties & Responsibilities

- b. Perform the functions prescribed in Chapter 18.07 HCC related to funding works of art in public spaces.
- c. Further the development and awareness of the arts in the City.
- d. Consider any specific proposal, problem or project as directed by the City Council and report thereon directly to the Council or as the Council otherwise directs.
- e. Solicit donations of money and property in support of its duties under this section. Donations of money shall be deposited to the City treasury in a separate fund designated for parks, art, recreation and culture purposes. Donations of property shall be accepted by deed or other conveyance subject to the approval of the City Council, and shall be held or disposed of for parks, art, recreation or cultural purposes as the Council may direct. The Commission may make recommendations to the Council for the disposition of money or property so received.

HCC 18.07

Funds for Works of Art in Public Places

- ❖ HCC 18.07.010 explains that through AS 35.27.010, the City of Homer recognizes the responsibility of government to foster the development of culture and the arts through the purchase or commissioning of works of art for municipal buildings and facilities.

HCC 18.07

Funds for Works of Art in Public Places

18.07.040 Implementation.

- a. During the preliminary design review of any project for construction, remodeling or renovation covered by this chapter any contractor, department or instrumentality of the municipality charged with the design preparation of this project shall consult with the Commission regarding the implementation of HCC [18.07.030](#)(a).
- b. The Commission may adopt, and from time to time amend, regulations setting forth the manner in which the requirements of this chapter shall be carried out, which shall be effective upon approval by City Council resolution.
- c. The requirements of HCC [18.07.030](#)(a) shall not be waived except as provided for in HCC [18.07.070](#).

HCC 18.07

Funds for Works of Art in Public Places

18.07.050 Selection.

- a. Where works of art are to be incorporated in the construction, remodeling or renovation of a City building or facility or its grounds, such works of art shall be selected and recommended to the Council for approval by a jury consisting of the architect or project designer, a representative of the user department, a representative of the Commission and such additional persons that the Commission may designate, subject to Council approval.
- b. Where works of art are to be commissioned or acquired, but not incorporated in the construction, remodeling or renovation of a City building or facility or its grounds, such works of art shall be selected and recommended to the Council for approval by a jury of at least three members consisting of a representative of the user department, one or more members of the Commission and such additional persons that the Commission may designate, subject to Council approval.

HCC 18.07

Funds for Works of Art in Public Places

18.07.070 Exemptions.

The City Council may waive the requirements of this chapter in whole or in part as to the construction, remodeling or renovation of a City building or facility upon a finding by the Commission or City Manager that the inclusion of works of art in the construction, remodeling or renovation as required by this chapter would not provide any aesthetic benefit to the community or to the principal users of the building or facility.

HCC 18.07

Funds for Works of Art in Public Places

18.07.090 Public art fund.

- a. A public art fund is established as a separate, interest bearing account in the City general fund to receive money for the public art program from the following sources:
- 1. Funds for public art fees received from private development.
 - 2. Funds donated to the City for public art.
 - 3. Other funds appropriated by the Council for public art.
- b. Money in the public art fund shall be used solely to pay the costs of selecting, commissioning, acquiring, installing, maintaining, public education regarding, administrating, removing and insuring the works of public art, and any other expense related thereto.
- c. Interest earned on money in the public art fund shall be deposited in the public art fund.
- d. The public art fund is administered by the City with the advice of the Commission.
- e. The Commission annually shall prepare a plan for expenditures from the public art fund for approval by the City Council.

HCC 18.07

Funds for Works of Art in Public Places

18.07.100 Ownership and management of works of public art.

- a. Ownership of all works of art acquired by or on behalf of the City shall be vested in the City.
- b. The City shall place or construct public art at locations that are open to the public and where the public art shall be visible to the general public during, at a minimum, normal business hours.
- c. The removal from display by the City of public art owned by the City shall follow established guidelines for de-accessioning and shall be subject to review and recommendation by the Commission with final approval by the Council.

Open Meetings Act (OMA)

AS 44.62.310 Government Meetings Public

- ❖ All meetings of a governmental body of a public entity are open to the public.
- ❖ Certain subjects may be considered in executive session
 - ✓ Matters, that would clearly have an adverse effect upon the finances of the public entity,
 - ✓ Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion,
 - ✓ Matters involving consideration of government records that by law are not subject to public disclosure,
 - ✓ Matters which by law, municipal charter, or ordinance are required to be confidential.

OMA definitions

Governmental Body- is an assembly, council, board, commission, or committee with the authority to establish policies or make decisions for the public entity or with the authority to advise or make recommendations to the public entity; "governmental body" includes the members of a subcommittee or other subordinate unit of a governmental body if the subordinate unit consists of two or more members

Meeting- means a gathering of members of a governmental body when

- more than three members or a majority of the members, whichever is less, are present,
- the gathering is prearranged for the purpose of considering a matter upon which the governmental body is empowered to act,
- and the governmental body has only authority to advise or make recommendations for a public entity but has no authority to establish policies or make decisions for the public entity;

What constitutes a meeting?

- ❖ It's a gathering of at least 4 Board Members that's been prearranged to discuss a matter upon which the Board is empowered to act, aka: Board business.
 - ✓ A matter on which the body is permitted to act includes every step of the decision making process, from brainstorm sessions to fine-tuning a proposal.
 - ✓ Emailing, texting, phone calls, or other communications between four or more Board Members to discuss Board business. (Serial Meeting)

What if I run into other Board Member at a gathering or event?

- ❖ A social gathering arranged for a given social purpose and not prearranged to discuss matters on which the body can act is not a meeting.
- ❖ Chance encounters will not constitute a meeting, even if the members discuss a matter on which they could advise or make a recommendation.

But!!! Remember the public's perception is important so it's best to refrain from talking about Board business if you find yourself in these situations.



Homer City Code

- Outlines Boards duties and responsibilities
- Defines a quorum as four members
- Requires a quorum of members to conduct a meeting
- Directs that all members vote unless they have a conflict of interest or personal bias
- Defines that four yes votes are required to pass a motion
- Directs that voting by proxy is prohibited
- Directs that meetings will be conducted under the current edition of Robert's Rules of Order as the parliamentary authority

Chair's Responsibilities

Homer City Code 2.58.050 states:

The presiding officer shall preserve order and decorum at all meetings of the board or commission, while promoting discussion by all members in deliberations unless otherwise prohibited by law.

These duties are all about procedure and running a meeting well.

The Chair

- Is a member of the body with the same voting and discussion rights as the other members. Robert's Rules recommends the Chair speak last.
- Can make motions in a small board or commission, but it's recommended that other member's make the motions, and the Chair state the question and put it to a vote
- Is not a position where they can exercise their leadership to determine the outcome of a vote
- Is not in control of the decision the group makes
- Is not tasked with obtaining consensus of the group
- Should not contact the membership directly regarding business matters

Taking care of business

Before the meeting

➤ Agenda Packets

- Agendas are set by the Chair and Staff.
- Board Members may request items be added to an agenda and must provide packet information, prior to agenda deadline.
- The agenda deadline is 5:00 p.m. on the Wednesday prior to the meeting day.
- Agenda packet material are provided to the Clerk, who prepares and distributes the agenda packets.

Taking care of business

At the meeting

- The Chair will announce agenda items in the order listed on the agenda and will ask for motions when necessary
- Under pending and new business items, the Chair will open the floor to staff or a member to provide a report on the topic, and one or more motions to carry out the recommendations in the report may be introduced.
- If a public hearing is scheduled, the Chair will open the public hearing, the Board will hear public comments, the Chair will close the public hearing and ask for motions when necessary.

Taking care of business

Making motions

- Main motion – a formal motion by a Board Member that the body take a certain action.
 - *I move to recommend 5 swings at the park*
- Primary Amendment – a motion to amend the main motion
 - *I move to amend the motion to recommend 5 swings, and that at least two are ADA inclusive.*
- Secondary Amendment – a motion to amend the amendment
 - *I move to amend the amendment to include that all the swings are green.*

Taking care of business

Other motions

- Postpone - an action to consider a main motion at a later time.
- Suspend the rules – Used if the Commission/Board wishes to do something during a meeting that it cannot do without violating one or more of its regular rules.
- Point of order– Used when a member thinks the rules are being violated or more commonly when discussion does not pertain to the topic of the motion on the floor.
- Reconsideration– Used to bring a motion back before the Commission/Board for further consideration.
- Call for the question– Used to immediately close discussion and the making of subsidiary motions . Commonly used to bring an immediate vote on one or more pending motions.
- Withdraw a motion – The mover of the motion can withdraw their motion before it is stated by the Chair as pending. After the Chair states the motion, it belongs to the body and the maker may request permission to withdraw the motion.