

Hailey Arts Commissioner Handbook

YOUR JOB AS AN ARTS COMMISSIONER

The Hailey Arts Commission was initially created by Resolution 2006-05 that was passed on April 24, 2006, and the Bylaws were also adopted in April, 2006. The Arts Commission was formalized as part of city government in the adoption of Ordinance 999, which created the Percent for Art and was adopted on February 6, 2008.

The Arts Commission exists to serve the public interest. Members need to conscientiously uphold the bylaws and enact actions or policies that best serve the entire community. There is a necessity for the highest standards of fairness and honesty in all activities.

The purpose of the bylaws is to “provide direction to the members of the Hailey Arts Commission in the performance of their duties.” The Commission is also a recommending body to the City Council. As stated in Chapter 2.32.030 of Ordinance 999, “The Hailey Arts Commission shall have no authority to bind any governing body affected by planning decisions. However, the Hailey Arts Commission shall have the power to make recommendations, upon a majority vote of its attending members, to the City Council, the Hailey Planning & Zoning Commission, the Hailey Historic Commission, the Hailey Parks & Lands Board, the Hailey Library Board or others. “

These are the bylaws for the Hailey Arts Commission:

BYLAWS FOR THE HAILEY ARTS COMMISSION

PURPOSE

These bylaws provide direction to the members of the Hailey Arts Commission in the performance of their duties.

ARTICLE I - GENERAL PROVISIONS

The following statutes, ordinances and rules shall govern the Hailey Arts Commission, hereinafter referred to as "the Arts Commission":

1.1 Applicable State Statutes and Local Ordinances and Rules.

To the extent that they remain in force and in effect or as they are amended, the Arts Commission and its members shall be governed by state statutes and local ordinances and policies including the following:

- a. State statutes applying to public boards, members and officials, and those dealing with disclosure.
- b. The Hailey Zoning Ordinance, the Hailey Subdivision Ordinance, the Hailey Annexation Ordinance, and the Hailey Comprehensive Plan, all as approved by the Hailey City Council.

1.2 Requirements of Familiarity with State Statutes and Local Ordinances and Rules Affecting the Arts Commission.

Upon taking office, all members of the Arts Commission shall familiarize themselves with the forgoing and, while in office, shall maintain such knowledge, including knowledge of amendments and additions, and shall be governed thereby in the conduct of Arts Commission affairs.

1.3 Rules of the Arts Commission to be Available at the office of the Hailey City Clerk.

An official copy of the Bylaws of the Arts Commission shall be available as a public record from the Hailey City Clerk. Additional copies shall be provided to the members of the Arts Commission and made available to the public upon request.

ARTICLE II - MEMBERS

2.1 Number of Members, Appointment, Etc.

The Arts Commission shall consist of no more than seven (7) and no less than five (5) voting members; each member shall be appointed by the Mayor and approved by the City Council, have been a resident of Blaine County for two (2) years prior to appointment to the Arts Commission and shall be a resident of the City of Hailey at the time of appointment; except that one (1) member may reside outside the corporate limits of the City of Hailey, but within the City's Area of Impact; and that one (1) member may reside outside the City's Area of Impact but be employed within the City at a business or non-profit corporation whose primary focus is the literary, performing or visual arts.

Each member must remain a resident of the City, or, in the case of the City's Area of Impact, within the impact area, or in the case of the employee at an arts business, remain employed, during the term of his or her membership on the Arts Commission.

Each member shall serve for a term of three (3) years. The terms shall be staggered and shall be filled in the same manner as original appointments, but replacements shall serve only until the expiration of the original term.

2.2 Causes for Removal from the Arts Commission.

Causes for removal of members from the Arts Commission by the Mayor and City Council may include, but are not limited to:

- a. Failure to maintain reasonable familiarity with state statutes and local ordinances and rules affecting the Arts Commission, or failure to be governed thereby.

- b. Failure to disclose conflict of interest for purposes of disqualification when a member has a “conflict of interest” as defined by Idaho Code §59-703, as amended.
- c. When a member becomes incapacitated for the office for a protracted period, or moves from the City of Hailey or the Area of Impact or becomes for some other reason no longer qualified for office and fails to resign.
- d. Failure to attend three consecutive regular meetings, or three of any seven consecutive meetings, without the recorded consent of the Chair. The Chair can recommend removal of the Arts Commission member to the Hailey City Council and Mayor.

2.3 Resignations and Removal.

Members proposing to resign shall give reasonable notice of such intent to the Chair, stating the effective date of resignation.

2.4 Vacation of Office, Appointment of New Members.

When a member dies, resigns, or is otherwise removed, or when the term of a member is 90 days from its scheduled expiration, the Arts Commission Chair will immediately notify the Mayor that a vacancy either exists or could exist. The vacancy may be advertised in the official newspaper of the City as necessary to secure letters of interest and resumes from interested Hailey/ACI residents. The vacancy shall be filled by appointment of the Mayor with the approval of the City Council (see Article II Section 2.1) upon selection of a satisfactory candidate.

ARTICLE III - OFFICERS, COMMITTEES, STAFF, DUTIES

3.1 Regular Election of Chair, Vice Chair

Annually, as the first item of business at the first regular meeting of the Arts Commission at which a quorum is present, the Arts Commission shall elect a Chair and Vice Chair.

3.2 Succession of Vice Chair to Office of Chair.

Should the Chair resign or be removed, the Vice Chair shall succeed to the office for the remainder of the original one year term. Should the Vice Chair resign, be removed, or succeed to the office of Chair, a special election shall be held to fill the vacancy of the Vice Chair until the expiration of the original one-year term. Said election shall occur at the next regularly scheduled meeting of the Arts Commission at which a quorum is available.

3.3 Duties of the Chair and Vice Chair; Appointment of Temporary Chair to Preside at Meetings.

The Chair shall preside at all meetings and hearings. If the Chair is absent or unable to preside, the Vice Chair shall preside. If both are absent or unable to preside, the members present shall elect from among their number a Temporary Chair to preside. The Temporary Chair shall abide by all rules and policies set forth herein.

The Chair shall maintain order and conduct the meeting in accordance with Robert's Rules of Order.

The Chair shall set the agenda for each meeting. The agenda will generally include issues scheduled for review by the decision making bodies of the City, ongoing parks and land planning, and topics requested by members of the Arts Commission or the public at large.

3.4 Appointment of Committees.

The Chair may appoint standing or ad hoc committees as may be found necessary to successfully and efficiently carry out the functions of the Arts Commission.

ARTICLE IV - CONDUCT OF ARTS COMMISSION MEMBERS

4.1 Conflict of Interest.

The procedure for determining the existence and disclosure of a conflict of interest shall be governed by Idaho Code §§59 - 701, et seq. as amended.

ARTICLE V - MEETINGS

5.1 Meetings.

Meetings of the Arts Commission will be held at such time and place as is established by the Arts Commission and at least one time in at least nine months of the calendar year. Notice of Meetings and agenda notice shall be posted in accordance with Idaho Code §67-2343, as amended.

5.2 Open to the Public.

All meetings of the Arts Commission are open to the public, unless otherwise provided in Idaho Code §67-2345, as amended.

5.3 Cancellation.

If no business is scheduled before the Arts Commission, or if it is apparent that a quorum of the Arts Commission will not be available, the Chair may

cancel any meeting by giving notice to all members and presenters not less than 48 hours before time set for such meeting.

5.4 Quorum.

A quorum of the Arts Commission shall consist of a simple majority of members. An affirmative vote of a simple majority of the present members of the Arts Commission shall decide all matters under consideration. The Chair may vote on all matters.

5.5 Agenda, Order of Business.

The Chair shall prepare an agenda for each Arts Commission meeting. Order of business shall be as follows:

1. Call to Order
2. Old Business
3. New Business
4. Approval of Minutes
5. Reports
6. Adjourn

ARTICLE VI - MEETING PROCEDURES

6.1 Robert's Rules of Order.

Robert's Rules of Order shall govern all procedures and conduct at a meeting of the Arts Commission.

ARTICLE VII - AMENDING OR WAIVING BYLAWS

7.1 Amending Bylaws.

Recommendations for amendment to the Bylaws may be forwarded by the Arts Commission at any time to the Hailey City Council for consideration. Bylaws may only be amended by resolution of the Hailey City Council.

The following are suggested principles for commissioners to consider:

The process must continuously pursue and faithfully serve the public interest.

Participants should:

- Recognize the rights of citizens to participate in decisions;
- Strive to give citizens (including those who lack formal organization or influence) full, clear and accurate information on issues and the opportunity to have a meaningful role in the development of plans and programs;
- Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons;
- Assist in the clarification of community goals, objectives and policies in plan-making;

- Ensure that reports, records and any other non-confidential information which is, or will be, available to decision makers is made available to the public in a convenient format and sufficiently in advance of any decision;
- Pay special attention to the interrelatedness of decisions and the long range consequences of present actions.

Participants should continuously strive to achieve high standards of integrity and proficiency so that public respect for the art planning process will be maintained.

Participants should:

- Exercise fair, honest and independent judgment in their roles as decision makers and advisors;
- Make public disclosure of all "personal interests" they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker (see also "Conflicts of Interest" and "Ex-Parte Communication.")
- Define "personal interest" broadly to include any actual or potential benefits or advantages that they, a spouse, family member or person living in their household might directly or indirectly obtain from a planning decision;
- Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency or court with jurisdiction to rule on ethics matters has expressly authorized their participation;
- Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant's objectivity as an advisor or decision maker in the decision making process;
- Not use confidential information acquired in the course of their duties to further a personal interest;
- Not misrepresent facts or distort information for the purpose of achieving a desired outcome;
- Not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service;
- Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations.

Conflict of Interest and Ex Parte Communications

"Conflict of interest" means any official action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit of the person or a member of the person's household, or a business with which the person or a member of the person's household is associated, unless the pecuniary benefit arises out of the following:

- (a) An interest or membership in a particular business, industry, occupation or class required by law as a prerequisite to the holding by the person of the office or position;

(b) Any action in the person's official capacity which would affect to the same degree a class consisting of an industry or occupation group in which the person, or a member of the person's household or business with which the person is associated, is a member or is engaged;

(c) Any interest which the person has by virtue of his profession, trade or occupation where his interest would be affected to the same degree as that of a substantial group or class of others similarly engaged in the profession, trade or occupation;

(d) Any action by a public official upon any revenue measure, any appropriation measure or any measure imposing a tax, when similarly situated members of the general public are affected by the outcome of the action in a substantially similar manner and degree.

Ex Parte Communications

“Ex Parte” means, “from or on one side only, with the other side absent or unrepresented”. If a commissioner discusses, or listens to someone’s opinion regarding, a pending application outside of a public hearing then it is an ex parte communication.

If any member of the Arts Commission has an *ex parte* communication about a pending application, the member should, to the best of the member’s ability, disclose the name and other identifying information of the person(s) and disclose the nature of the communication, before the hearing begins.

Motions

Robert's Rules of Order is a manual for parliamentary procedure. Parliamentary procedure, or parliamentary law, is the code of rules and ethics for working together in groups. Parliamentary procedure is not synonymous with the book Robert's Rules of Order. However, Robert’s Rules of Order is the most widely used of several major parliamentary manuals used by approximately 80% of organizations in the United States.

Due to the complexity of Robert’s Rules, the bylaws can be simplified to refer to Chapter 2.04 of the Hailey Municipal Code which outlines the procedure for conducting a public hearing and for making motions.

How to Make a Motion

All actions and decisions of the City Council or Arts Commission are formalized by the process of making and voting on motions. Chapter 2.04 of the Hailey Municipal Code outlines the procedure for making motions as follows.

After a public hearing is closed, the City Council or Arts Commission shall deliberate. After deliberation a motion shall be made and seconded. Further deliberation may occur once a motion is made and seconded. The chair shall ask for a motion and vote. Those Council Members or Commissioners in favor of the motion say “aye”; those Council Members or Commissioners opposed to the motion say “no”.

Amending a Motion

After a motion is made and there has been discussion on the motion, if an amendment has been suggested and discussed, then a motion to amend the motion is required. A motion should be amended as follows:

- a. A Council Member or Commissioner makes a motion to amend stating the amendment.
- b. A Council Member or Commissioner seconds the amendment.
- c. Chair asks for a vote on the amendment.
- d. If amendment carries, the Chair then asks for a vote on the “entire motion as amended.”
- e. If amendment fails, Chair asks for a vote on the “original motion.”

Withdrawing a Motion

If a motion has been voted on and the motion needs to be withdrawn, then a motion to withdraw the approved motion is required. A motion should be withdrawn as follows:

- a. A Council Member or Commissioner makes a motion to withdraw stating what motion is being withdrawn.
- b. A Council Member or Commissioner seconds the motion to withdraw.
- c. Chair asks for a vote on the motion to withdraw.
- d. If the motion to withdraw carries, then a new motion can then be made, seconded and voted on.

Reconsidering a Motion

If a motion has been voted on and if voting members believe it is appropriate to reconsider the motion, then a motion for reconsideration is required at the next scheduled meeting of the City Council or Arts Commission. Motions for reconsideration shall only be made by a Council Member or Commissioner. A motion for reconsideration should be made as follows:

- a. A Council Member or Commissioner who voted on the prevailing side of the motion in question has to make a motion for reconsideration stating what motion is being reconsidered.
- b. A Council Member or Commissioner who voted on the prevailing side of the motion in question has to second.
- c. Chair asks for a vote on the motion for reconsideration.
- d. If the motion for reconsideration carries, deliberation can then occur on the matter and a new motion can be made, seconded and voted on. (Ord. 1010 §1, 2008, Ord. 1005 §1, 2008)

MEETINGS

The Hailey Commission Bylaws establish the procedures and rules of conduct for the Commission. Robert’s Rules of Order have been adopted for all procedures or conduct not addressed by the bylaws. All of the Commission’s business is discussed and acted upon during open public meetings. Meetings of the Arts Commission are presided over by the Chair of the Commission. The order of business outlined in the bylaws varies slightly from the order of Business outlined in Robert’s Rules. Information from Robert’s Rules on conducting meetings has been included in the appendix for the Commission’s general information.

Phrases for the Presiding Officer

(source: <http://jimslaughter.com/pdffiles/PresideLikeaPro.pdf>)

This is language that is typically associated with parliamentary procedure; it is language that does not have to be used, but may come in handy when wanting to sound really official!

Opening the Meeting (after quorum is present)

"The meeting will come to order."

Stating the Question (following motion and second)

"It is moved and seconded that [or "to"] . . ."

When Debate Appears to Have Ended (if no objection, chair can proceed to vote)

"Are you ready for the question?"

Taking a Vote (once debate appears to have ended or vote has been ordered)

"The question is on the adoption of the motion to _____. Those in favor of the motion, say aye. Those opposed, say no."

Announcing Vote (immediately following vote)

"The ayes have it and the motion is adopted [or "carried"]."

Or, "The noes have it and the motion is lost."

Approval of Minutes

"Are there any corrections to the minutes? If there are no corrections [or "no further corrections"], the minutes stand [or "are"] approved [or "approved as read," or "approved as corrected"]."

Proceeding Through Business

"The next item of business is" (**never** say "The next order of business.")

Commissioners Checklist

The success of a Commission is dependent on the preparation of each Commissioner. The following is a check list to help in your preparation for each meeting.

Before the meeting:

- Packets including agendas and meeting minutes are distributed one week before the meeting.
- Review all materials before the meeting.

During the meeting:

- It is the Chair's responsibility to run the meeting. The general format of each hearing is printed on the back side of the agendas for the public's reference.
- Make sure all questions are answered during or after presentations by staff or applicant.
- Listen to public comments and try to incorporate their primary concerns into your discussion during Commission deliberations.

- Make note of any new conditions that should be added to the list of suggested conditions for any approval.
- Deliberate with fellow Commissioners.
- Be prepared to formulate a motion, and gather your thoughts before beginning any motion.

After the meeting:

- Minutes from each meeting will be included in following packets. Review these, checking especially your own comments, to ensure that the minutes reflect what you actually said in the meeting.
- Save any staff reports and plans that were continued or tabled for future reference.

When finished with reports and other materials...please recycle!