



**Procedure Handbook  
Of the  
Arts Commission  
City of Porterville, California**

**2013**

# Arts Commission Procedure Handbook

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## **ARTICLE I – NAME AND/OR AUTHORITY**

The Name of this organization shall be the Arts Commission of the City of Porterville, California; hereinafter referred to as the Commission.

## **ARTICLE II – PURPOSE**

The Arts Commission is established in and for the City of Porterville. The Arts Commission shall serve in an advisory capacity to the City Council. (Ord. 1767, 10-19-2010) (Ord. 1797, 8-20-2013)

The seven-member Commission helps guide implementation of City Arts programs, advocates for public art and cultural activities that enhance the identity and enjoyment of our city, and encourages community collaborations that help the city achieve its cultural goals.

## **ARTICLE III – DUTIES AND RESPONSIBILITIES**

The Arts Commission shall have the ability, as vested by the City Council, and be required to:

- Make recommendations to the City Council regarding development and promotion of practices and policies pertaining to the arts, keeping in mind the adoption of policy is the prerogative of the City Council.
- Foster the development and enjoyment of visual, cultural, performing, and other arts in the City of Porterville.
- To work cooperatively with City entities and other advisory commissions to include an arts element in as many areas of City planning and development as possible.
- Develop and submit a work plan to the Council on an annual basis detailing the goals and objectives of the arts commission over the next year, five (5) years and/or twenty (20) years. (Ord. 1767, 10-1-2010) (Ord. 1797, 8-20-2013)

## **ARTICLE IV – MEMBERSHIP**

### **Section 1. Membership**

The Arts Commission shall consist of up to eleven (11) Arts Commission members, hereinafter referred to as members. Membership, term of office, and procedures for removal of members and the filling of vacancies shall be as established by the City Council. (Ord. 1767, 10-19-2010) (Ord. 1797, 8-20-2013)

The term of the seats appointed via subcommittee recommendation shall be one (1) year. All commission members shall serve at the pleasure of the City Council and may be removed by a majority vote of the City Council at any time and for any reason. (Ord. 1767, 10-19-2010) (Ord. 1797, 8-20-2013)

### **Section 2. Qualifications**

Appointed by the City Council a minimum of three and a maximum of seven (7) commissioners shall be qualified electors of the city. The appointees for the remaining four (4) seats shall be recommended by the initially appointed members of the “open” seats, via subcommittees representing four (4) areas of arts: a) theatrical/performing arts; b) visual/graphic; c) music; and d) youth, with final approval by the City Council. (Ord. 1767, 10-19-2010) (Ord. 1797, 8-20-2013)

### **Section 3. Application for Membership**

Prospective members shall file an application in the office of the City Clerk. Prospective applicants are encouraged to contact staff and attend an Arts Commission meeting in advance of filing an application.

### **Section 4. Method of Appointment**

The Arts Commission shall consist of up to seven (7) members appointed by the City Council and serving thereafter at the pleasure of the City Council and maybe removed by a majority vote of the City Council at any time and for any reason. (Ord. 1767, 10-19-2010) (Ord. 1797, 8-20-2013)

### **Section 5. Good Standing and Reporting of Absences**

Council members and the chairperson of each permanent city advisory body shall receive annual attendance reports prepared by Staff. Absences will be identified as "with notification" or "without notification." An absence is considered as "with notification" if the member notifies the chairperson or the staff prior to the meeting. If there has been no prior notification, the absence is considered "without notification." It is important to notify staff of any absences for the purposes of determining a quorum. Members are expected to have seventy five percent (75%) attendance based on the Commission's regular meeting schedule (e.g., 9 out of 12 meetings if held monthly; 3 out of 4 meetings if held quarterly). Members who fail to meet the attendance requirement automatically vacates their seat and the vacancies shall be filled per section 5A-5 of Chapter Article I – Formation of an Arts Commission. (Ord. 1767, 10-19-2010) (Ord. 1797, 8-20-2013)

### **Section 6. Termination**

All commission members shall serve at the pleasure of the City Council and may be removed by a majority vote of the City Council at any time and for any reason. (Ord. 1767, 10-19-2010) (Ord. 1797, 8-20-2013)

### **Section 7. Ex-Officio Membership “Optional”**

The Arts Commission may find that, because of the complexity of its work, it is desirable to add member(s) at-large to the Arts Commission to serve as non-voting ex-officio members to lend other opinions or expertise to the work of the Arts Commission. The City Council will authorize the Chair of the Arts Commission to nominate member(s)-at-large for Council approval to be nonvoting ex-officio members for a determined period of time.

## **ARTICLE V – OFFICERS AND ELECTIONS**

### **Section 1. Officers**

Officers of the Arts Commission shall consist of a Chair and Vice Chair.

### **Section 2. Election of Officers**

As soon as is practicable following the appointment of the sub-committee members, there shall be elected from among the membership of the Arts Commission a Chair and Vice Chair.

### **Section 3. Compensation**

Members of the Arts Commission shall serve without compensation. (Ord. 1767, 10-19-2010) (Ord. 1797, 8-20-2013)

### **Section 4. Term of Office/Removal**

The term of office shall be three (3) years with terms staggered to prevent concurrent expiration of terms with the exception of the youth representative. No member may serve more than two (2) consecutive terms. The term of the student/youth commissioner shall be of one (1) year. The term

of office for the Chair and Vice Chair is one (1) year. Officers may not serve in the same position for more than two consecutive terms. All commission members shall serve at the pleasure of the City Council and may be removed by a majority vote of the City Council at any time and for any reason. (Ord. 1767, 10-19-2010) (Ord. 1797, 8-20-2013)

### **Section 5. Vacancy of an Officer**

Vacancies occurring otherwise than by expiration of the terms, shall be filled by appointment as in the first instance (by either direct appointment by the City Council or appointment by the Council via subcommittee/commission recommendation) as soon as possible; such appointee to serve for the unexpired term of the vacant office. (Ord. 1767, 10-19-2010) (Ord. 1797, 8-20-2013)

### **Section 6. Duties of the Chair**

The Chair shall preside at all regular meetings and may call special meetings. The Chair shall decide upon all points of order and procedure during the meeting; his/her decision shall be final unless overruled by a vote of the Arts Commission, in compliance with Article VIII, "General Conduct of Meetings." The Chair may not make motions, but may second motions on the floor. The Chair acts as primary contact for staff and shall represent the Arts Commission before City Council whenever the Arts Commission or Council considers it necessary. The Chair and staff shall jointly set the meeting agenda.

### **Section 7. Duties of the Vice Chair**

The Vice Chair shall assume all duties of the Chair in the absence or disability of the Chair.

### **Section 8. Duties of the Acting Chair**

In case of absence of both the Chair and the Vice Chair from any meeting, an Acting Chair shall be elected from among the members present, to serve only during the absence of the Chair and Vice Chair.

## **ARTICLE VI – STAFF SUPPORT**

### **Section 1. Staff**

Staff support and assistance is provided, but advisory bodies do not have supervisory authority over City employees. While they may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately to the City Manager and Council. The Community Development Department Director shall designate appropriate staff to act as staff person(s) to assist and support the Advisory Body. Staff shall attend all regular and special Arts Commission meetings. Staff shall be responsible for coordination of such reports, studies, and recommendations as are necessary to assist the Arts Commission in the conduct of its business according to City Council Ordinance and the Brown Act, and Bylaws of the City of Porterville Arts Commission. Staff may enlist the assistance of other departments as required. Staff shall be responsible for all public notifications regarding all regular and special Arts Commission meetings. Staff shall record the minutes of the meetings in accordance with the guidelines established in the "Preparation of Minutes" section of the City Council members' Handbook, shall supervise volunteers and interns, shall work closely with the Chair between meetings, shall make recommendations, prepare reports and proposals to the Arts Commission, may represent the Arts Commission at other meetings, presentations, and other public functions as requested, and shall perform administrative tasks. Staff shall be responsible for the maintenance of proper records and files pertaining to Arts Commission business. Staff shall receive and record all exhibits, petitions, documents, or other materials presented to the Arts Commission in support of, or in opposition to, any question before the Arts Commission. Staff shall sign all notices prepared in connection with Arts Commission business, shall attest to all records of actions, transmittals, and referrals as may

be necessary or required by law, and shall be responsible for compliance with all Brown Act postings and noticing requirements.

### **Section 2. Staff Relationship to the Advisory Body**

Given limited staff resources, the Chair or individual members shall not make separate requests of staff without approval of the Arts Commission. If a member has a research or report request, it shall be brought to the Arts Commission for discussion, consideration, and recommendation prior to making the request of staff. If not approved by the Arts Commission, the individual member shall be responsible for his/her own research or report. Staff and the Chair shall jointly set the meeting agenda.

## **ARTICLE VII – MEETINGS**

### **Section 1. Time and Location of Meetings**

The Arts Commission will hold its regular meetings on the third Wednesday of each month, which shall begin at 5:30 p.m. at City Hall, unless otherwise noticed, and will adjourn no later than 8:00 p.m., unless the Chair, with concurrence of the Arts Commission, extends the time of adjournment. If the scheduled date for a regular meeting falls on a holiday, such meeting shall be rescheduled in accordance with Council policy.

### **Section 2. Cancellation**

If a majority of the membership deems it necessary or desirable, a scheduled regular meeting may be cancelled or rescheduled upon giving notice, unless a public hearing has previously been noticed.

### **Section 3. Special Meetings**

The Chair of the Arts Commission, staff, or a majority of the membership of the Arts Commission may call a special meeting. Notice of such meeting shall state the purpose or the business to be transacted during such special meeting. No other business may be transacted at such special meeting other than as stated in the notice.

## **ARTICLE VIII – CONDUCT OF MEETINGS**

### **Section 1. Compliance with the Brown Act and Council Policies**

All regular, special, and adjourned meetings of the Arts Commission shall be open meetings to which the public and the press shall be admitted in compliance with the Brown Act. Meetings will be held at City facilities which are accessible to persons with disabilities.

### **Section 2. General Conduct of Meetings**

Points of order and conduct, including those not addressed by this Procedure Handbook, shall be settled by the Chair, unless overruled by a majority vote of the Arts Commission. Points of order and conduct shall comply with the Brown Act, this Procedure Handbook, and the City Council members' Handbook. The Chair will consult with staff as necessary.

### **Section 3. How Items Are Placed on the Agenda**

A request to have an item placed for consideration on a future agenda may be made by staff, any Arts Commission member or a member of the public. The Chair and staff will consider the validity (within the approved scope of work) and urgency of the request and determine when and if that item should be placed on an Arts Commission agenda. Issues can be referred to an advisory body

by the City Council and may have time sensitive deadlines. The items must comply with the procedures in Article XI, Section 1, "Agenda Reports to Arts Commission."

#### **Section 4. Quorum**

A presence of a majority of the members of the established number of commissioners, as set via resolution of the City Council, shall constitute of a quorum for the transaction of business (i.e., at least 4, as many as 6). (Ord. 1767, 10-19-2010) (Ord. 1797, 8-20-2013)

#### **Section 5. Absence of a Quorum**

In the absence of a quorum at any meeting, such meeting shall be adjourned to the next regular meeting date by the Chair, Vice Chair, or staff. A meeting may be declared adjourned for lack of a quorum after a 15-minute period has elapsed from the scheduled time of the start of the meeting. A meeting may also be declared adjourned in advance, if absence notifications received by staff provided for lack of a quorum. Adjournment may be declared by any member or staff.

#### **Section 6. Agenda**

The Chair and staff shall jointly set the meeting agenda and its format shall conform to the template set by Council Policy.

#### **Section 7. Order of Business**

The Chair or a majority vote of the Arts Commission may change the order of business.

### **ARTICLE IX – MOTIONS**

#### **Section 1. Call for Motion**

Upon conclusion of preliminary discussion, any member other than the Chair may place a motion on the floor. The motion shall contain the proposed action.

#### **Section 2. Seconding a Motion**

The Chair shall receive all motions and shall call for a second to each motion. The Chair may second a motion.

#### **Section 3. Lack of a Second**

If, after a reasonable time, no second has been made, the motion shall be declared dead for lack of a second, and the Chair shall state this. This shall not be considered an action of the Arts Commission and shall not be included in the minutes.

#### **Section 4. Discussion/Debate**

After a motion has been made and seconded, the Chair shall call for a discussion of the question. All discussion shall be limited to the motion on the floor. At the close of the discussion, the Chair shall put the matter to a vote.

#### **Section 5. Time Limits on Discussion/Debate**

The Chair may, at his/her discretion, limit debate of any motion; except that each member shall have the opportunity to speak.

#### **Section 6. Amending a Motion**

A motion to amend may be made by any member to revise a motion on the floor; but it cannot be a freestanding motion on its own, nor can it substitute for a main motion. The motion to amend must be voted upon, unless the maker and the second, accepts it as a friendly amendment, and, if it passes, it then becomes part of the main motion.



### **Section 7. Withdrawing a Motion**

Any motion may be withdrawn by the maker and the second and shall not be included in the meeting minutes.

### **Section 8. Motion to Table**

A motion to table may be made to suspend consideration of an item that appears on a meeting agenda for reasons of urgency or to end an unproductive discussion. A motion to table is not in order when another member has the floor. A motion to table requires a second, is not debatable, is not amendable, requires a majority vote for passage, and, if adopted, cannot be reconsidered at the meeting at which it is adopted. Members will refrain from using a motion to table as a means of capriciously limiting debate among members, to suppress a minority of the Arts Commission, or to avoid public input on an agenda item under consideration by the Arts Commission.

### **Section 9. Results of Voting**

The Chair shall state the results of each vote, e.g., “The motion passes by a vote of five to two.”

## **ARTICLE X – VOTING**

### **Section 1. Statements of Disqualification**

All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made.” No member may abstain from voting on any item, except on the approval of the minutes, when that member was absent. The City of Porterville has adopted a Conflict of Interest Code, that Code states that “no person shall make or participate in a governmental decision which she/he knows or has reason to know will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally.” Any member who has a disqualifying interest on a particular matter shall do all of the following:

- 1) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required;
- 2) Recluse himself or herself from discussing and voting on the matter, or otherwise acting in violation of government code Section 87100;
- 3) Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter has been placed on the portion of the agenda reserved for uncontested matters;
- 4) Notwithstanding paragraph 3, a public official may speak on the issue during the time that the general public speaks on the issue. Any question regarding conflicts of interest shall be referred to the City Attorney.

### **Section 2. Voice Vote**

All questions shall be resolved by voice vote. Each member shall vote “Aye” or “No” and the vote shall be so entered into the minutes, noting the vote of each member. A member may state the reasons for his or her vote, which reasons shall also be entered into the minutes of the meeting. All

members including the Chair shall vote on all matters, except where s/he has a disqualifying interest.

### **Section 3. Roll Call Vote**

Any member may request a roll call vote, either before or immediately after a voice vote. A roll call vote shall be taken without further discussion. The Arts Commission staff shall call the roll and each member shall state his/her vote for the record.

### **Section 4. Adoption of a Motion**

Adoption of a motion shall be made by a simple majority of the members present, except as otherwise provided. The Chair shall restate the vote for the record, e.g., “The motion is approved by a vote of five to two.”

### **Section 5. Tie Votes**

Tie votes will be resolved as follows:

Statement of Disqualification: A tie vote resulting from a Statement of Disqualification of one or more members, with no members absent and no vacancies on the Arts Commission shall constitute a defeat of the motion. Absence: A tie vote during the absence of one or more members, or when there is a vacancy on the Arts Commission, shall cause the item to be automatically continued to the next meeting; except that, as to matters on which action must be taken on a date prior to the next meeting, a tie vote shall constitute a denial of the requested action. Successive Tie Vote: A tie vote at the next meeting on a matter that has been continued as a result of a tie vote shall constitute a denial of the appeal or defeat of the motion.

## **ARTICLE XI – REPORTS**

### **Section 1. Agenda Reports to Arts Commission**

All agenda items require a written report or an oral report. Written reports serve as the analysis, detail, history, and justification for each agenda item. Oral and written reports shall include recommendation(s) and background. If a report is initiated by an Arts Commission member, a draft of that report shall be provided to staff for formatting at least 10 business days prior to the meeting. Staff shall then format reports to be consistent with content, style, and formatting of City Council agenda reports. Items initiated by a member or committee shall be processed in the same manner. Draft reports not submitted in a timely manner shall be placed on a future agenda.

### **Section 2. Committee Reports**

Committee reports may be verbal or written and may be accompanied by written documentation.

### **Section 3. Preparation of Arts Commission -Generated City Council Agenda Reports**

All resolutions and recommendations adopted by the Arts Commission and addressed to the City Council shall be delivered to the City Clerk as soon as possible. If the action requests City Council action, the item shall be placed on a future City Council agenda. Agenda reports to the City Council from the Arts Commission shall be written reports consistent with content, style, and formatting of City Council agenda reports. In the event that staff and the Arts Commission disagree, an analysis of both recommendations shall be included.

## **ARTICLE XII – RECORD KEEPING**

### **Section 1. Maintenance of Records**

All records shall be maintained according to the City of Porterville Records Retention Schedule.

## **Section 2. Action Agenda**

Action agendas are required for Arts Commission with direct City Council appointments. An action agenda is an unofficial record of the meeting and shall consist of attendance; motion maker and seconder of the motion; and an actual tally of the votes for all actions taken. The action agenda shall be made available to the Advisory Body and Staff within four working days of the meeting.

## **Section 3. Minutes**

Action-only minutes will be produced for all Arts Commission meetings in the same format as that used for City Council meetings. Arts Commission members who want a particular comment included in the minutes must state “for the record” before making such comment. Minutes shall be reviewed, corrected as appropriate, and or amended and approved by the Arts Commission at a subsequent meeting. Subcommittee reports presented orally in a meeting shall be summarized in the minutes.

## **Section 4. Audio and Video Recording of Meetings**

Proceedings for all Arts Commission meetings shall be audio-recorded whenever possible. The audio files shall be retained pursuant to the City of Porterville Records Retention Schedule. As appropriate and/or when requested by the Arts Commission or City Council, a meeting of the Arts Commission may be video recorded or televised. Members of the public have the right to make recordings of a meeting without disrupting the proceedings under any circumstances.

# **ARTICLE XIII – COMMITTEES**

## **Section 1. Ad Hoc Committees**

Ad hoc committees are established by an Arts Commission to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Arts Commission Ad hoc committees generally serve only a limited or single purpose, are not perpetual, and are dissolved once their specific task is completed. An ad hoc committee shall have fewer members than a simple majority of the membership of the appointing Arts Commission. Ad hoc committees shall bring back information to the Arts Commission in either oral or written form. Following ad hoc committee input, the Arts Commission shall then discuss, deliberate, and make recommendations on the designated issue, thereby providing the public with the opportunity to participate in the decision-making process. This shall take place in the presence of a quorum of the Arts Commission at a properly noticed public meeting. Ad hoc committees shall not be subject to the Brown Act. City staff shall not be required to be present at ad hoc committee meetings. All ad hoc committees shall provide a final report to the Arts Commission in lieu of minutes.

## **Section 2. Standing Committees**

Standing committees are bodies established to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Arts Commission. Standing committees are ongoing in nature and are created to deal with issues and make decisions on behalf of the Arts Commission. The public has a right to participate in this process. Standing committees are subject to the Brown Act and staff will provide only such support as to ensure such compliance.

## **Section 3. Staff Support to Committees**

City staff shall normally not be required to attend or provide support for standing or ad hoc committee meetings, unless directed by the department head. All ad hoc committees shall provide a final report to the Arts Commission in lieu of minutes. Unless otherwise approved by the Arts Commission, all standing committees shall provide reports, no less than quarterly, to the Arts Commission.

**Section 4. Appointments**

The Commission may establish, by majority vote of the members, any standing or temporary committee deemed necessary to carry out the functions and purposes of the Commission and may delegate such authority to the committee as the Chairperson or Commission deems appropriate. The Commission shall make all assignments and appoint the Chairperson of each committee. The Chair of the Arts Commission may designate or solicit participation for standing and ad hoc committees.

**Section 5. Committee Meetings**

All standing or ad hoc committee meetings shall be held upon call of the Committee Chair.

**ARTICLE XIV – AMENDMENTS**

A majority of the full membership of the Arts Commission may amend this Procedure Handbook, subject to the approval of the City Council.

**ARTICLE XV – ADOPTION OF PROCEDURE HANDBOOK**

Immediately upon favorable vote of not less than a majority of the full membership of the Arts Commission of the City of Porterville this Procedure Handbook shall be in full force and effect.

Approved: \_\_\_\_\_  
Chair

\_\_\_\_\_  
Date

Attest: \_\_\_\_\_

\_\_\_\_\_  
Date