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CITY OF MILPITAS

BYLAWS FOR
PUBLIC ART COMMITTEE

I. Purpose & Mission

The City Council is committed to providing a livable and vibrant community for all of its citizens and visitors. Based on the community's suggestions received and subsequent City Council discussions and direction the City Council established a Public Art Committee, by Ordinance No. 271 (2005).

The Committee will meet monthly, to provide feedback and recommendations to the City Council regarding the City of Milpitas Public Art Master Plan and the efforts to choose and place public art. The Committee shall be named: "City of Milpitas Public Art Committee" (hereafter "Committee").

II. Committee

a) Membership: The Committee shall be comprised of eleven (11) citizens who reside within the corporate limits of the City of Milpitas. 7 members shall be members of the City of Milpitas Arts Commission, 3 members shall be members of the Milpitas Alliance for the Arts, and one member shall be a citizen involved in the arts or a professional artist. Committee members are volunteers and shall serve without compensation. All members of the Committee shall serve a three year term and may be eligible for re-appointment by the Mayor, should the Committee member end his/her term in good standing. Interested persons must submit a City of Milpitas citizen participation application (available online at www.ci.milpitas.ca.gov or at the City Clerk's Office) and proceed through the appointment process. The appointment process shall include recommendation for appointment by the Mayor, and final approval by the City Council. The City Council may, at its discretion, conduct interviews of proposed Committee members prior to appointment.

b) The Committee bears no oversight authority over any City Department, personnel, consultant, budget or commission. The Committee has no authority to bind the City to any contractual agreements and may not, without authority, make any decisions on behalf of the City. The Committee's recommendations shall be advisory to the City Council. Individual Committee members shall not be City employees, department heads, City consultants or act in any way as agents of the City. However, the City Manager, Director of Finance, Manager of Recreation Services, Director of Public Works or City Engineer or their designee may provide guidance and input to the Committee and may be consulted, from time-to-time, for additional information.

c) The Committee's primary task shall be to review and recommend the selection and placement of Public Artwork (as that term is defined in Ordinance No. 271). The Committee shall also recommend to the City Council the adoption of program guidelines, policies and procedures to ensure consistent administration of the City of Milpitas Public Art Program.

d) Members shall serve at the pleasure of the City Council and may be terminated at any time by the City Council.

e) Members are volunteers and shall serve without compensation or reimbursement for any personal expenses.

III. Committee and City staff procedures

a) The Committee's staff liaison shall be the Manager of Recreation Services, or their designee. The Committee shall receive staff support on an as-needed basis from the Manager of Recreation Services, and shall coordinate all requests for staff support through the Manager of Recreation Services or their designee.

1. The Committee shall have the following City resources available to it for its use, limited to the following:

(a) Use of meeting rooms in City Hall, or other City facilities
(b) Reasonable use of City equipment, (copy, fax, telephone)
(c) Access to publicly available reports maintained by the City

b) The Committee shall meet on a regular, monthly basis according to and under the California Brown Act's requirements. The Committee may hold public working sessions to solicit the input of the community and/or interested citizens or parties. Such working sessions shall be noticed and open meetings according to the California Brown Act's requirements.

IV. Rules of Procedure

a) A quorum of the Committee shall consist of a majority of the members (including any vacancies). A quorum must be present in order for the Committee to hold a meeting. Any six members shall constitute a quorum for the transaction of business.

b) All actions require a majority vote of the Committee members in attendance.

c) These Bylaws, the Milpitas Open Government Ordinance and the Brown Act shall govern the operation of the Committee and its meetings.

d) The Committee shall follow all applicable City fiscal and administrative policies and procedures.

e) At the first regular meeting following the appointment of the Committee's members the Committee shall select a Chairperson and a Vice-Chairperson from among the Committee's members. The Chairperson and Vice-Chairperson shall serve for one year terms while on the Committee, unless extended to a second one year term by majority vote of the Committee. No Chairperson or Vice-Chairperson shall serve more than two consecutive one year terms. Elections shall take place the first meeting of each new calendar year.

f) The Chairperson shall preside at all regular and special meetings and rule on all points of order and procedure during the meetings.

g) The Vice-Chairperson shall assume all duties of the Chairperson in his/her absence. In the event the Chairperson and Vice Chairperson are both absent, an Acting Chairperson shall be appointed from the Committee for the meeting from those present.

h) The staff appointed Secretary shall record the attendance and minutes of all meetings according to the Milpitas Open Government Ordinance, and shall notice all meetings of the Committee pursuant to the California Brown Act.

i) The Committee may organize itself into Subcommittees to carry out tasks and responsibilities. Subcommittees composed of less than a quorum of the membership shall be subject to the California Brown Act and Milpitas Open Government Ordinance's requirements. Such Subcommittees shall be designated by the Committee with up to five (5) Committee members and at least one staff liaison.

j) Individual Committee members may not speak for or on behalf of the entire Committee; the Chairperson shall act as the spokesperson for the entire Committee.

k) The Committee is an important function within the City of Milpitas, and as such, certain expectations are held by the City Council in making the appointment of individuals to the Committee. These expectations include the following:

1. Committee members will attend all regular meetings and special meetings as scheduled or as they arise. Committee members will communicate expected and unexpected absences to the Staff Liaison, or his/her designee, in a timely manner. Any member with three or more unexcused absences in a 12-month period shall be reported to City Council with a recommendation for removal from the Committee. Any member of the Committee may be removed from office by majority vote of the City Council at a regularly scheduled meeting.

2. Committee members will communicate any potential conflicts of interest on agenda items to the Secretary, or his/her designee, at least 48 hours in advance of the hearing to allow confirmation of a quorum.

3. Committee members will arrive on time to each meeting, fully participate, and remain in attendance until the end of each meeting.

4. Committee members will prepare themselves for each meeting by reading the agenda, reports and other materials and communicate any questions to the Secretary, Chair or Vice-Chair in advance of the hearing.

5. Committee members will avoid conflicts of interest between their personal and professional financial interests and those interests that may come before the Committee.

V. Adoption

a) This document, as adopted and amended by City Council resolution, shall serve as the Bylaws for the Commission.

PASSED AND ADOPTED by the Public Arts Committee on March 24, 2008.

PASSED AND ADOPTED by the Milpitas City Council on the _____ day of ____ 2008.