

**BYLAWS OF THE
ARTS COMMISSION**

ARTICLE 1. NAME.

The name of the board is the Arts Commission.

ARTICLE 2. PURPOSE AND DUTIES.

- (A) The arts commission will provide oversight for the expenditure of city hotel occupancy tax funds for the promotion of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.
- (B) In consultation with the arts community, the arts commission will develop written guidelines regarding the process for allocation of hotel occupancy tax funds for the arts. In addition, the arts commission will recommend policies to govern placement of temporary and permanent display art on city property for approval by the city council, and the arts commission may adopt procedural guidelines for evaluating temporary and permanent display art.
- (C) At least 50 per cent of the amount of hotel occupancy tax funds allotted by the city council for the arts shall be expended for eligible projects that consist of permanent display art. "Permanent display art" includes sculpture, painting, or similar art work that is intended for permanent display in a public place or public building in the city for a period of more than one year. Any such funding remaining unexpended at the end of a fiscal year will be retained in a capital improvement account for future spending for this purpose.
- (D) The arts commission is expressly authorized to:
1. Actively solicit interest in the submission of applications from qualified individuals, groups and companies for funding for permanent display art; and
 2. Make recommendations to the city council for permanent display art, including recommendations made independently of funding applications.
- (E) With respect to applications for funding for permanent display art, the arts commission will make recommendations to the city council for awards of funding and proposed locations for permanent display art. The city council will make the final decision on funding and locations for permanent display art.
- (F) The arts commission will review all other applications for funding for the arts, and will make final decisions on all such applications.

ARTICLE 3. MEMBERSHIP.

- (A) The commission is composed of seven members appointed by the city council.
- (B) A member serves at the pleasure of the city council.
- (C) Qualifications: The city council will endeavor to appoint persons to this commission who represent a variety of the arts, including music, dance, drama, painting, sculpture, photography, and graphic and craft arts. At least five of the members must reside within the city limits. Up to two members may reside outside the city limits.
- (D) Commission members serve for a term of three years beginning March 1st on the year of appointment. If a member is appointed to fill a vacancy, the term begins on the date of appointment. The members of the commission are appointed for three-year staggered terms.
- (E) All vacancies shall be filled as provided for by Section 2.071 of the City Code.
- (F) An individual commission member may not act in an official capacity except through the action of the commission.
- (G) Attendance at commission meetings shall conform to the requirements outlined in Section 2.069 - Absence from meetings of the City Code.
- (H) A member who seeks to resign from the commission shall submit a written resignation to the chair of the commission, the staff liaison, or the city clerk's office. If possible, the resignation should allow for a thirty-day notice so the city council can appoint a replacement.

ARTICLE 4. OFFICERS.

- (A) The officers of the commission shall consist of a chair and a vice-chair.
- (B) Officers shall be elected annually by a majority vote of the commission at the first regular meeting after March 1. In the event a current officer becomes ineligible to serve as an officer, the commission may hold an election at the next regular meeting agenda.
- (C) The term of office shall be one year, beginning April 1st and ending March 31st.
- (D) A member may not hold more than one office at a time.

ARTICLE 5. DUTIES OF OFFICERS.

- (A) The chair shall preside at board meetings, approve each final meeting agenda, and execute approved meeting minutes.

- (B) In the absence of the chair, the vice-chair shall perform all duties of the chair.
- (C) In the absence of both the Chair and the Vice-Chair, the commission should elect an interim chair for that meeting, or until the Chair or Vice-Chair arrives.
- (D) The Chair is responsible for promoting and maintaining order in meetings. The Chair should ensure adherence to the agenda for the meeting.
- (E) The Chair should control discussion to ensure that it focuses on the issue and not on any person. Personal remarks and attacks are not permitted.

ARTICLE 6. AGENDAS.

- (A) The following general order of business should be used for regular meetings of the commission:
 - 1. Call to order
 - 2. Roll call
 - 3. Citizen Comments – 30 minutes, 3 minutes per speaker
 - 4. Consent Agenda (includes routine items such as minutes from the previous meeting which normally do not need separate discussion)
 - 5. Presentations and/or Public Hearings
 - 6. Items for action or discussion/direction
 - 7. Reports (report items should be listed individually as needed to comply with Open Meetings Act requirements)
 - 8. Items for future agendas
 - 9. Executive Session (in accordance with Open Meetings Act exceptions)
 - 10. Question and Answer Session.
 - 11. Adjournment
- (B) The commission may only discuss or consider an item that is stated within the assigned scope of work or charge of the commission as provided in Article 2.
- (C) The chair or two or more members may place a discussion item on an agenda for a regular commission meeting no later than 10 business days prior to the meeting. If two or more members wish to place a discussion item on a meeting agenda, they must separately contact the staff liaison by written request.
- (D) After first consulting with and receiving input from the staff liaison, the chair shall approve each final meeting agenda. The chair may not remove an item placed on an agenda by prior direction of the commission under subsection (B) above, or placed on an agenda as a discussion item by two members under subsection (B) above.
- (E) The staff liaison will submit the meeting agenda to the City Clerk's Office for posting no later than 72 hours before the meeting. If the 72-hour deadline should fall on a weekend or holiday it is the responsibility of the staff liaison to provide the meeting agenda to the City

Clerk's Office by 4:30 p.m. on the last business day before the weekend or holiday.

- (F) Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).

ARTICLE 7. MEETINGS.

- (A) The commission meetings shall comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).
- (B) The commission will conduct its meetings by the rules of common courtesy and procedure identified in Article 10.
- (C) The Chair should introduce each item as it appears on the agenda, and in the order in which it appears on the agenda. The Chair may allow items to be considered out of order with the informal consent of the commission.
- (D) The following types of actions may be taken or motions can be made during a meeting:
1. **Approval** - Means the item is approved as proposed.
 2. **Conditional approval** - Means approval for the item will take effect upon the occurrence of the conditions.
 3. **Approval as amended** - Means the item is approved with changes from the original proposal.
 4. **To Table** - Means to temporarily delay the consideration of the item while another item is brought up for consideration.
 5. **Remove from Table** – Means to bring back the previously delayed item for consideration.
 6. **Postpone** - Means postponement of consideration of the item, either until a definite time, or indefinitely. Action on the item at a subsequent meeting requires the item to be placed on the agenda for that meeting
 7. **Reconsider** - Means to reopen discussion of an item that was already acted upon. Reconsideration may only occur at the same meeting, or at the next meeting after the one at which the original action occurred. A motion to reconsider may only be made by a person who voted on the prevailing side on the original action. Reconsideration of an item at a subsequent meeting requires the item to be placed on the agenda for that meeting.
 8. **Withdraw** - Made by the person who made the motion. Does not require a formal vote unless a member objects to the withdrawal.
 9. **Close debate ("calling for the question")** – Requires a motion and second and 2/3 vote. If it passes, a vote is then taken on the motion that was under discussion, without further debate. If it fails, debate resumes on the motion that was being discussed.
 10. **Amend** - Usually consists of striking out, inserting, adding, or substituting words, sentences or paragraphs to the subject of the original motion. This motion is voted upon separately from the original motion. Note: A friendly amendment, agreed to by persons who made and seconded a motion, does not require a

separate vote from the original motion.

11. **Recess** - A temporary break in a meeting may be called by the Chair. This does not require a formal vote unless a member objects to the recess.
 12. **Limited discussion or debate** - The Chair may establish a reasonable time limit for consideration of an item, or a reasonable time limit on each person addressing the commission, or upon each commission member who comments on an issue. This does not require a formal vote unless a member objects to the limits.
- (E) In accordance with the Open Meetings Act, discussion and action is limited to the items listed on the agenda for a meeting. Discussion of any subject not listed on the agenda must be limited to whether to place the item on the agenda for a future meeting.
- (F) Commission meetings will adhere to Sec. 2.045. - Rules of decorum for city council and city board and commission meetings of the San Marcos City Code.
- (G) The commission shall meet monthly. In October of each year, the board shall adopt a schedule of the meetings for the upcoming year, including makeup meeting dates for the holidays and cancelled meetings.
- (H) Special meetings of the commission shall be called by the staff liaison upon the written request of the chair or any three members of the commission. A commission may not call a meeting in addition to its regular scheduled meetings as identified in its adopted meeting schedule, more often than once a quarter, unless the meeting is required to comply with a statutory deadline or a deadline established by Council.
- (I) Executive sessions are permitted only when they have been posted in advance and conform to those requirements of the Texas Government Code Chapter 551 (Texas Open Meetings Act) which pertain to executive sessions.
- (J) A majority of the voting membership of the commission members constitute a quorum.
- (K) If a quorum for a meeting does not convene within one-half hour of the posted time for the meeting, then the meeting is deemed cancelled.
- (L) To be effective, a commission action must be adopted by an affirmative vote of the number of members necessary to provide a quorum.
- (M) The chair has the same voting privilege as any other member.
- (N) The commission will allow citizens to address the commission during a period of time set aside for citizen communications during their regular meeting. Each speaker will be limited to three minutes.
- (O) The staff liaison shall prepare the meeting minutes. The minutes of each commission meeting must include the vote of each member on each item before the commission and indicate whether a member is absent or failed to vote on an item.

- (P) The city clerk shall retain agendas, approved minutes, internal review reports and bylaws. The Community Services-Parks and Recreation Department shall retain all other commission documents. The documents are public records under Texas Local Government Code Chapter 552 (Texas Public Information Act).
- (Q) The chair shall adjourn a meeting not later than 10 p.m., unless the board votes to continue the meeting.

ARTICLE 8. RECOMMENDATIONS.

- (A) The commission is encouraged to provide the city council with advisory recommendations on matters of city policy within their purpose and duties provided in Article 2 as necessary.
- (B) The staff liaison must submit a policy recommendation that has been approved by a majority of the membership in the form of a resolution to the city clerk and city manager for distribution to the city council.
- (C) The commission will submit an annual report to the city clerk by February 28 of each year.

ARTICLE 9. COMMITTEES.

- (A) The Arts Commission may have ad hoc committees as necessary.
- (B) The Arts Commission will have the following standing committee:
- 1) The Mural Arts Committee – The Mural Arts Committee shall oversee the City of San Marcos Mural Arts Program. The City of San Marcos Mural Arts Program both commissions murals and provides grants and design assistance to artists in an effort to place murals on private property throughout the city. The purpose of the Mural Arts Program is to add to the character and sense of place in the community, and to beautify an area by covering and preventing graffiti. The Mural Arts Committee shall be composed of the following: three (3) Arts Commission members, a City of San Marcos graffiti abatement representative, the City of San Marcos Arts Coordinator, a representative from the City of San Marcos Convention and Visitor Bureau, and a Texas State University Arts representative.
- (C) Each committee must be established by an affirmative vote of the commission. Each committee shall consist of at least three commission members approved by the commission. A staff member shall be assigned to each committee by the director of the Destination Services Department.
- (D) A committee may designate a chair, with the member's consent, but is not required to do so.
- (E) Quorum requirements do not apply to committees.

(F) Committees are not required to post their meetings in accordance with the Texas Government Code Chapter 551 (Texas Open Meetings Act). A quorum of the membership is not allowed to be present.

(G) Each committee shall update the commission at least quarterly on their work.

ARTICLE 10. RULES OF COMMON COURTESY AND PROCEDURE.

(A) During meetings, members shall preserve order and decorum, shall not interrupt or delay proceedings.

(B) Members shall demonstrate respect and courtesy to each other, to city staff members, and to members of the public appearing before the commission.

(C) Members shall refrain from rude and derogatory remarks and shall not belittle staff members, other commission members, or members of the public.

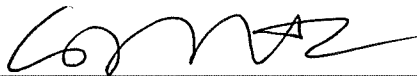
(D) The Chair should exercise control over persons who abridge this policy or disrupt a meeting in the following ascending order of action:

1. Call the person to order, advising the person of the infraction.
2. Advise the person that the infraction must cease immediately or the person will be ordered to leave the meeting.
3. Order the person to leave the meeting. If the offending person is a member of the commission, the Chair shall call for a vote on the expulsion of the member from the meeting.

ARTICLE 11. AMENDMENT OF BYLAWS.

A bylaw amendment is not effective unless approved by the Council Audit and Finance Committee.

The bylaws were approved by the Arts Commission at their meeting held on October 16, 2019.



Trey Hatt
Arts Coordinator

OCT 17, 2019
Date

