

BYLAWS OF THE VISUAL ARTS COMMISSION

July 17, 2018

**Bylaws of the
Visual Arts Commission**

Table of Contents

Article I.	Constitution.....	1
Article II.	Membership and Appointment.....	1
Article III.	Officers and Their Duties	1
Article IV.	Election of Officers and Appointments.....	2
Article V.	Staff of the Commission and Their Duties.....	2
Article VI.	Meetings	3
Article VII.	Order of a Regular Meeting or Public Hearing	3
Article VIII.	Form and Character of Motions	4
Article IX.	Quorum and Voting Requirements	4
Article X.	Instruments and Documents	4
Article XI.	Letters of Advocacy	5
Article XII.	Conduct of the Members.....	5
Article XIII.	Conduct of Persons Before the Commission	5
Article XIV.	Amendment	6

Article I. Constitution

Provisions for establishment of the Visual Arts Commission (hereinafter Commission) are provided in Ordinance No. 72-00 as adopted by the Sioux Falls City Commission on August 14, 2000, as incorporated under the laws of the State of South Dakota.

Sec. 154.050. Created.

A visual arts commission is hereby established.

(1992 Code, § 32-50) (Ord. No. 72-00, Passed, 8-14-2000)

The Commission serves as an advisory Board to the City Council.

Article II. Membership and Appointment

Section 1. The Visual Arts Commission shall consist of seven members appointed by the Mayor with the advice and consent of the City Council. The Commission shall serve three-year terms for a maximum of two terms. Membership shall be a diverse mixture of citizens including a member of the Board of Directors of the Sioux Falls Arts Council at the time of appointment and a practicing visual artist. An appointed person may continue to serve the Board for up to an additional four months after the expiration of his/her term of office until a replacement is appointed and approved. If any person is appointed to serve an unexpired term and serves less than one-half of that remaining unexpired term, then that person would be eligible to serve an additional two consecutive full terms of office.

Section 2. Each member appointed shall receive orientation materials regarding, at a minimum, the form of City government, the City Conflicts of Interest ordinance, the state open meeting laws, and the basic rules of parliamentary procedure.

Section 3. Any member may withdraw from the Commission by giving written notice to the Mayor or the chairperson of the Commission. Any vacancy in the membership of the Commission shall be filled in the same manner as for appointment.

Section 4. Any vacancy on the Commission shall be filled for the unexpired term of the member vacating the Commission in the same manner as is required for the regular appointment.

Article III. Officers and Their Duties

Section 1. The officers of the Commission shall consist of a chairperson, a vice-chairperson, chairperson-pro-tem, and recording secretary.

Section 2. Chairperson—The chairperson supervises the conduct of the Commission's business and activities; serves, ex officio, on all committees; presides at meetings; signs all acts or orders necessary to carry out the will of the Commission; and may act

as the representative of the Commission to outside persons and other organized Boards as necessary.

Section 3. Vice-Chairperson—The vice-chairperson has the full powers of the chairperson in his or her absence. In the absence of the chairperson, however, the vice-chair cannot change rules and does not serve as an ex officio member of committees.

Section 4. Chairperson-pro-tem—When both the chairperson and vice-chairperson are absent from a hearing or meeting, the remainder of the members of the Commission shall elect a chairperson-pro-tem from among their own number by majority vote.

Section 5. Recording Secretary—The recording secretary serves as clerk for the Commission and carries out the official correspondence of the Commission. The recording secretary may be the same individual as the official City staff liaison.

Section 6. Committees may be appointed by the chairperson as voted by the Commission, as needed. Upon receipt of a written request, the chairperson may appoint an emergency committee without a vote of the Commission to write a letter of advocacy or prepare a recommendation.

Article IV. Election of Officers and Appointments

Section 1. The chairperson, vice-chairperson, and recording secretary of the Commission shall be elected annually by Commission members at a meeting during the first calendar quarter of each year, and be installed and assume their duties immediately.

Section 2. No officer shall be elected for more than two consecutive years. After the lapse of one year, he or she may be elected again to the same office.

Section 3. All appointed committees shall be appointed by the chairperson upon motion of the Commission. Their duties shall be specified in the motion. Their activities are limited to the purpose for which they were created, and after performing, their service ceases to exist.

Article V. Staff of the Commission and Their Duties

Section 1. City Planning staff shall serve as the liaison between the Mayor, the City, and the Commission. Planning staff advises the Commission, Mayor, and City Council on matters related to visual arts, and assists the Commission in the exercise of their duties. Planning staff shall have the privilege to address the Commission during regular meetings.

Section 2. Legal Counsel—The City Attorney or designee shall serve as legal counsel to the Commission, prepares memoranda of law as requested by the Commission, and reviews drafts of ordinances, resolutions, and bylaws and their amendments.

Article VI. Meetings

Section 1. The Commission shall schedule at least four meetings a year, with one during each calendar quarter. The chairperson of the Commission may cancel or postpone a meeting. Meeting dates for the following year shall be set on the last meeting date of each calendar year.

Section 2. The members of the Commission shall be notified at least five days in advance of the time and place of regular and meetings.

Section 3. Special meetings of the Commission may be called at any time by the chairperson or two members.

Whenever a special meeting is called, a notice in writing signed by the chairperson, or vice-chairperson requesting the meeting shall be prepared by and filed with the City Clerk and served upon each member of the Commission either in person, by facsimile, or by email. The notice shall state the date, hour, and location of the meeting and the purpose for which such meeting is called. No business shall be transacted at the meeting except such as is stated in the notice.

No special meeting shall be held until at least 24 hours after the call is issued.

Section 4. All regular and special meetings of the Commission shall be open to the public.

Section 5. Unless otherwise specified, *Roberts Rules of Order, Revised*, shall guide the proceedings at meetings of the Commission.

Article VII. Order of a Regular Meeting or Public Hearing

1. Call to order and determination of quorum.
2. Welcome and Introductions.
3. Approval of regular agenda.
4. Public input on non-agenda items. (Chairperson)
(5-minute comment period per individual)
5. Items of the present agenda presented.
6. Other business.
7. Announcements.
8. Adjournment.

Article VIII. Form and Character of Motions

The form and character of motions shall conform to those offered within *Robert's Rules of Order, Revised*.

Article IX. Quorum and Voting Requirements

Section 1. A quorum of the Commission may consist of four of the seven appointed members.

In situations where a quorum may not exist, a quorum may consist of a simple majority of those presently appointed members [in situations where vacancies have not been filled].

In order for the Commission to conduct business or take any official action, a quorum consisting of the majority of the voting members of the Commission shall be present. When a quorum is not present, no official action, except for closing of the meeting, may take place. The members of the Commission may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting.

Section 2. A majority of the members present shall be required to pass a motion.

Section 3. Abstention from voting shall not be counted in the determination of a motion but shall be recorded.

Section 4. In the event of a tie vote among the other Commission members, the chairperson shall vote.

Article X. Instruments and Documents

Section 1. The official instruments of the Commission are the record of notice, the agenda, and the minutes of hearings and meetings.

Section 2. All notices, agendas, requests, agency or consultant letters or reports, citizen petitions, maps, photographs, staff reports, minutes of hearings and meetings shall constitute the documents of the Commission and shall be indexed as a matter of public record and be maintained in the City Planning office.

Section 3. A printed agenda shall be prepared in advance of all meetings. The agenda shall consist of the time and place of the meeting and specific descriptions of the topics to be discussed.

Section 4. A set of minutes shall be kept and filed with the City Clerk. Minutes shall contain a record of attendance, actions taken, numerical results of votes taken, and specific descriptions of items discussed.

Section 5. All records, files, publications, correspondence, and other materials available to the public for reading, copying, and other purposes are governed by the *Freedom of Information Act*.

Article XI. Letters of Advocacy

Section 1. Upon receipt of a written request, the chairperson of the Commission may appoint an emergency committee to write a letter of advocacy or determination for a project or proposal in need of immediate action.

Section 2. The committee shall consist of two to three Commission members, appointed by the chairperson, with staff and the chairperson serving as ex officio members.

Section 3. The letter of advocacy or determination will be signed by the chairperson of the Commission. If there is a conflict of interest, the chairperson shall designate the vice-chairperson or recording secretary to sign the letter.

Section 4. The topic will be placed on the next meeting agenda, and a copy of the letter shall be presented to the Commission.

Article XII. Conduct of the Members

Section 1. Members of the Commission shall make every attempt to attend all meetings and shall take such time as necessary to prepare themselves for hearings and meetings.

Section 2. Any Commission member absent from two consecutive regular meetings or any three regular meetings within a calendar year, without being excused by the chairperson, will be contacted by the chairperson to discuss the absences and possible resignation.

Section 3. A Commission member with a conflict of interest in an item before the Commission shall declare that a conflict of interest exists and withdraw from participation. Such participation includes any presentation, discussion or voting, in the regular or special meeting, or working session on that item.

Article XIII. Conduct of Persons Before the Commission

Section 1. During all public meetings and working sessions, members of the public shall be given equitable opportunity to speak. Comments should be addressed to the item before the Commission.

Section 2. At the beginning of each public meeting, and as necessary during the meeting, the hearing rules shall be presented to the public. These rules are therefore presented publicly and enforced by the chairperson for each agenda item.

Section 3. During all regular and special meetings and working sessions of the Commission, the public may be present but shall remain silent unless specifically invited by the chairperson to provide comment.

Section 4. Where a comment is irrelevant, inflammatory, or prejudicial, the chairperson may instruct the Commission to “disregard” the comment, which nevertheless remains in the public record.

Section 5. During all Commission proceedings, members of the public have the obligation to remain in order. Any conduct which interferes with the equitable right of another to provide comment or which interferes with the proper execution of Commission affairs may be ruled by the chairperson as “out-of-order” and the offending person directed to remain silent. Once having been so directed, if a person persists in disruptive conduct, the chairperson may entertain a motion to “eject” from the Commission meeting or session. Where the person fails to comply with the successful motion to eject, the chairperson may then call proper authority to physically remove the individual from the chamber for the duration of the meeting or deliberation on that item.

Article XIV. Amendment

Section 1. These bylaws may be amended or new bylaws adopted at any regular or special meeting of the Commission.

Section 2. An amendment or new bylaw requires a two-thirds vote of the members present and voting.

Section 3. The amended or new bylaws shall go into effect after a period of 30 days has elapsed.