

CITY OF COLORADO SPRINGS
RULES AND PROCEDURES
OF THE
PUBLIC ART COMMISSION OF
THE PIKES PEAK REGION

Approved and adopted by City Council by
Resolution No. _____ - _____ Effective _____

PART 1
PURPOSE AND APPLICABILITY

RULE 1-1. PURPOSE OF THESE RULES AND PROCEDURES

These Rules and Procedures are promulgated pursuant to City Code § 1.2.903 for the conduct of meetings of the Commission.

RULE 1-2. AUTHORITY

The Public Art Commission of the Pikes Peak Region (“Commission”) was approved by the Colorado Springs City Council (“Council”) by Resolution No. 229-82, recognized by Council Ordinance 07-113, and renamed by Council Ordinance 14-18.

RULE 1-3. PURPOSE OF THE COMMISSION

The purpose of the Commission is to:

- Make recommendations to the City Council regarding the acceptance of permanent pieces of outdoor art;
- To accept permanent pieces of outdoor art on behalf of the City Council in accord with the Commission’s City Council-approved donation acceptance policy to be included in the Outdoor Sculpture collection of the Colorado Springs Pioneers Museum and to be displayed on City of Colorado Springs property;
- Encourage regional collaboration with respect to public art;
- Take efforts to make the City beautiful; and
- Raise awareness of the Commission and public art opportunities.

RULE 1-4. APPLICABILITY

In addition to any other rules or laws which may be applicable, these Rules and Procedures apply to all meetings and operations of the Commission.

RULE 1-5. RULES AND PROCEDURES OF CITY COUNCIL

These Rules and Procedures shall be consistent with the City of Colorado Springs Rules and Procedures of City Council. If any part of these Rules and Procedures are in conflict or inconsistent with the Rules and Procedures of City Council, the Rules and Procedures of City Council shall control.

RULE 1-6. AMENDMENT

These Rules and Procedures may be amended or suspended, and new rules may be adopted, by a majority vote of the Commission members. Any such amendments, suspensions, and adoptions of new rules shall become effective upon Council approval.

RULE 1-7. POWERS

A. The Commission is generally advisory in nature to assist Council and staff by preparing recommendations for Council decision. Commission members may not speak or act for Council except when formally given such authority for specific purposes.

B. The Commission shall not have the power to employ any person for, or on behalf of, the City, or incur any expense, unless specifically authorized by Council.

C. The Commission cannot exercise authority over staff without specific authority from the Council.

PART 2 **MEMBERS**

RULE 2-1. MEMBERS

Members of the Commission shall be appointed by Council in accordance with Ordinance No. 07-113 as amended by Ordinance No. 09-94, a copy of both such ordinances are attached hereto as Exhibit 1 and Exhibit 2, respectively, and shall serve without compensation. All new members and members seeking to serve a second term must be appointed by Council. In addition, one member of Council and one member of the El Paso County Board of Commissioners, who is appointed by the El Paso County Board of Commissioners, shall serve as non-voting *ex-officio* members of the Commission. Members shall not serve with a member of their household or immediate family or with a member that is their employer or employee.

RULE 2-2. GUESTS

The members of the Commission may, by majority, invite non-voting members of the public who have subject matter expertise or who represent industries or businesses related to the Commission's purpose to attend and participate in meetings of the Commission.

RULE 2-3. MEMBER TERM LENGTH

Members of the Commission, other than the *ex-officio* members, shall serve for three-year terms; provided however, that if an appointed member is no longer designated by an organization for which that member was appointed as a representative such member's term shall terminate at the time that the organization notifies the Commission that the person no longer represents that organization. In accordance with Ordinance No. 09-94, Council may appoint a replacement to serve out the unexpired term for such member.

PART 3 **MEETINGS**

RULE 3-1. ANNUAL MEETING

An annual meeting of the Commission shall be held in August of each year for the purpose of officer elections.

RULE 3-2. ELECTION OF CHAIR, VICE-CHAIR AND SECRETARY

The Chair shall be a citizen at-large member who, if not designated by Council, shall be elected as provided in this Rule 3-2. At the annual meeting, the Commission shall elect a Chair (if none is currently serving), a Vice-Chair, and a Secretary by a majority vote of the entire Commission (*i.e.*, four [4] members). Candidates for each office shall be nominated by the members present, separately, before the election for each office. No second to a nomination shall be required. To be eligible for the position of Chair or Vice-Chair, candidates must be citizen at-large members and have served as a Commission member for at least one (1) year immediately preceding the election. In the event there are more than two (2) candidates nominated for an office and no individual receives a majority vote of the entire Commission, the candidate receiving the least number of votes shall withdraw until one (1) candidate receives a majority vote of the entire Commission. Each elected officer shall serve for a term of one (1) year, or until his or her replacement is duly-elected (or appointed).

RULE 3-3. CONDUCT OF CHAIR AND VICE CHAIR

A. The Chair shall preside at all meetings of the Commission. The Chair shall preserve decorum and decide all questions of procedure and order. The Chair shall also set the agenda, appoint committees, coordinate activities and serve as the official spokesperson to the media.

B. In case of the Chair's absence or inability to act, the Vice-Chair shall act as temporary chair until the Chair appears.

C. If both the Chair and Vice-Chair are absent or unable to act, the Commission shall elect a Chair pro-tempore to act until the Chair or Vice-Chair appears.

RULE 3-4. VACANCY

A vacancy in the office of the Chair shall be filled automatically by the Vice-Chair and a new Vice-Chair shall be elected at the next regular meeting of the Commission. A vacancy in the office of the Vice-Chair or the Secretary shall be filled at the next regular meeting of the Commission by election in accord with Rule 3-2 above. The member filling the vacancy shall serve until the next annual meeting or, in the case of the Chair, if Council appoints a replacement Chair until such replacement is appointed.

RULE 3-5. DUTIES OF THE SECRETARY

The Secretary will be responsible for the Minutes of each regularly-scheduled meeting, all correspondence, recording attendance, recording votes on any Commission action, and notifying members as to their status of membership. Minutes are to be submitted to the member of Council's staff assigned to assist the Commission ("Council Staffer") two weeks prior to the next regular meeting to allow timely circulation to members.

RULE 3-6. REGULAR MEETINGS

A. The regular meetings of the Commission shall be held monthly on such a recurrent day and time established by a majority vote of the Commission and as posted in accordance with Rule 3-10 below. Any change to the established schedule shall require written advance notice,

in reasonable time, from the Chair to the Commission.

B. Any regular meeting may be adjourned and reconvened at a time and place by a majority vote of the members present.

RULE 3-7. SPECIAL MEETINGS

Special meetings may be called at such a time and place as stated in the notice of a meeting. The Chair may, upon the written request of three (3) Commission members, call a special meeting of the Commission, by giving written notice to each of the Commission members at least twenty-four (24) hours prior to the meeting. The notice shall state the date, time, place, and purpose for which the meeting is called. Such notice shall be served personally, by e-mail, or by leaving the same at the usual place of business or residence of the Commission member.

RULE 3-8. WORK SESSIONS

The Chair may from time to time call work sessions for the purpose of receiving information or training, hearing presentations, and discussing information. No official or formal action may be taken at work sessions other than to give direction to the efforts of City staff.

RULE 3-9. COMMITTEES

There shall be no standing committees of the Commission. The Chair may, from time to time, create committees of one or more members for special duties, examinations, investigations and inquiries of interest to or to assist in the study of items before the Commission. Any committee so appointed shall serve until the matter is disposed of by the Commission, unless sooner dismissed by the Chair. The Chair shall appoint all such committee members and a committee chairperson from among the members. No member shall serve on more than two (2) committees simultaneously or as a chair of more than one (1) committee. No committee shall have the power to commit the Commission to the endorsement of any plan, program or request without the approval of the Commission. The Chair and Vice-Chair shall automatically become *ex-officio* members of any committee created under this Rule.

RULE 3-10. MEETINGS OPEN TO THE PUBLIC

All meetings shall be open to the public in accord with the Colorado Open Meetings Law as it applies to the Commission under § 3-60(d) of the City Charter except for executive sessions to receive legal advice or discuss matters required to be kept confidential by law, personnel matters, matters subject to negotiations, or other permitted purposes. No formal actions may be taken at any closed executive session. Agendas shall be posted on the City website monthly. Public comments must be directed to the subject under consideration. The Chair shall rule on the germaneness of public comments. Abusive, personal, impertinent, irrelevant, slanderous or profane remarks, or loud, threatening, personal or abusive language shall not be allowed.

RULE 3-11. AGENDA

A. The Chair, with the assistance of Council Staffer, shall prepare the agenda for all Commission meetings. The agenda shall include all items to be presented to the Commission for action.

B. Whenever possible, the Council Staffer shall submit to the Commission, in advance of the meeting, a meeting or agenda packet containing a copy of the agenda and all facts necessary for the Commission to properly study the items and make recommendations thereon. To this end, the Council Staffer may give a recommendation on the items under consideration.

C. All matters to appear on a regular meeting agenda shall be filed with the Council Staffer not later than ten (10) days prior to the meeting. Matters not filed in accordance herewith shall not be considered, but shall be held over until the next regular meeting, unless leave for immediate consideration is granted by a majority vote of the members present at the meeting. This Rule does not preclude the Chair from submitting other matters considered to be of an emergency nature.

RULE 3-12. REQUESTS FOR POSTPONEMENT

A. If a proponent of an agenda item requests postponement of the item prior to the meeting, the Chair shall have discretion to continue or postpone the item to the next regular meeting.

B. If a proponent of an agenda item requests postponement of the item after the meeting has been called to order, the Commission shall consider the request when the item is called and take such action as it deems fit by a majority vote of the members present.

C. The Council Staffer or City Attorney may ask for postponement of any item at any time to provide additional time for additional review or information.

D. Any item that is postponed shall be postponed to the next regular meeting or other definite date.

RULE 3-13. EXHIBITS TO THE COMMISSION

All parties who wish to submit exhibits to the Commission for the purpose of inclusion in the record shall submit the original of such exhibit and eight (8) copies or and/or one (1) electronic copy thereof to the Council Staffer who shall mark such exhibit and distribute the same to the Commission. Exceptions to this Rule shall be granted by the Council Staff for those exhibits, which may be displayed so that all of the members can simultaneously observe the same.

PART 4 PROCEDURES

RULE 4-1. QUORUM

Five (5) voting members of the Commission shall constitute a quorum for the transaction of business. Whenever a quorum is not present at a regular or special meeting, no action shall be taken.

RULE 4-2. ATTENDANCE

A. Attendance by Commission members at scheduled meetings is vital for the Commission to perform its functions in accord with the City Code. Members are expected to attend meetings and stay in attendance during each meeting. No member may be excused from attending without the permission of the Chair or without good and valid reasons. If a member fails to attend three (3) consecutive scheduled meetings of the Commission without being excused by the Chair, the member shall be dropped from the Commission. Any member who misses more than twenty-five percent (25%) of the meetings in any twelve (12)-month period may be dropped from the Commission. Members will be notified of their excessive absences and will be given the option of resignation or defense. If Council determines that such member has good cause for failing to be present at the meetings the member shall be allowed to remain on the Commission.

B. Procedure for Excusal.

A member who is unable to attend a scheduled meeting (whether regular, special, or other type) shall contact the Chair no later than 12:00 p.m. the day of the meeting and request to be excluded from the meeting. The member shall state the reason for the absence. Failure to comply with this Rule, except in cases of emergency, shall result in an unexcused absence.

The Chair shall inform the Commission during the call to order of the member's request to be excused. The member shall be considered excused unless a Commission member calls for a vote on excusal.

RULE 4-3. PROCEDURE

The Chair shall preserve decorum and decide all questions of procedure and order, subject to appeal to the Commission.

RULE 4-4. VOTING

A. The Commission shall act only by motion. Every voting Commission member present when a question is put forth shall vote thereon unless it would constitute a conflict of interest under the City Charter or City Code of Ethics. Any member of the Commission who has a personal or private interest in any item proposed or pending before the Commission shall disclose such interest to the Commission at the meeting, shall recuse himself or herself and not vote on the item; and shall refrain from attempting to influence the decisions of the other members of the Commission in voting on the item..

B. Whenever a vote is taken, each Commission member present shall vote "yes", "no" or "abstain" (in the case of a conflict of interest). In case of a tie vote on any proposal, the proposal shall be considered lost/failed.

C. Since these rules are designed for the protection of the minority, they need not be strictly enforced by the Chair. When there appears to be no opposition to a matter, the formality of voting can be avoided by a member's requesting unanimous (or general) consent to a proposal or by the Chair's asking if there is any objection to a proposal, and if there is none, announcing the result as "unanimous consent" to the matter.

PART 5
CODE OF ETHICS

RULE 5-1. COVERED PERSONS

The City of Colorado Springs Code of Ethics, codified in Article 3 of Chapter 1 of the City Code applies to all Council-appointed commissions. The City of Colorado Springs exists for the purpose of serving the community through its businesses, operations and services. The City of Colorado Springs shall conduct its businesses, operations and services in accord with the law and the highest standards of business practices and ethics. The City of Colorado Springs is committed to complete honesty, utmost integrity, fair dealing and ethical behavior as the basis of its businesses, operation and services to the community. Public service is a public trust. All Commission members are subject to the City of Colorado Springs Code of Ethics and as such should employ independent objective judgment in performing their duties and should assure that businesses, operations and services are conducted openly to safeguard public confidence in the integrity of the City by avoiding any conduct creating the appearance of impropriety.

RULE 5-2. ANNUAL ETHICS EDUCATION

As provided in City Code § 1.3.107 all members of the Commission shall receive ethics training using the City of Colorado Springs Code of Ethics on an annual basis.

EXHIBIT 1

City Council Ordinance No. 07-113

EXHIBIT 2

City Council Ordinance No. 09-94