

**CITY ARTS
COMMISSION**

AUTHORIZATION: Established by Charter of the City of Newport Beach, Article VII, Section 712.

MEMBERSHIP: Members: Seven (7). Refer to Resolution No. 93-46, adopted June 28, 1993. Resolution No. 93-46 amended by Resolution No. 99-42, adopted on June 14, 1999 (effective July 1, 1999) to change the number of members from nine (9) members to seven (7) members.

TERM: Four (4) years.

RESPONSIBILITIES: Set forth in Section 712 of the City Charter as follows:

- A. Act in an advisory capacity to the City Council in all matters pertaining to artistic, aesthetic, historical and cultural aspects of the City.
- B. Recommend to the City Council the adoption of such ordinances, rules and regulations as it may deem necessary for the administration and preservation of fine arts, performing arts, historical, aesthetic and cultural aspects of the community.
- C. On behalf of the City, actively encourage programs for the cultural enrichment of the community.
- D. Perform such other duties relating to the Arts as the City Council may require.

STAFF LIAISON: Staff Liaison as appointed by the City Manager.

By-Laws dated September 15, 1993 (Attached)

**NEWPORT BEACH CITY
ARTS COMMISSION
BY-LAWS AND RULES OF PROCEDURE**

**ARTICLE I
TITLE**

This organization shall be called "Newport Beach City Arts Commission" existing by virtue of the provisions of Article VII, Section 712 of CHARTER OF THE CITY OF NEWPORT BEACH and exercising the powers and authority and assuming the responsibilities delegated to under Section 712.

**ARTICLE II
PURPOSE**

The Commission shall have as its purpose to raise awareness of the arts and provide advice to the City Council regarding direction and programming for the exhibition of the arts in the Newport Beach area and to provide opportunities to its citizens to enjoy and participate in cultural activities.

**ARTICLE III
MEMBERSHIP**

Section 1. Membership of the Commission shall be restricted to seven.

Section 2. Members of the Commission shall be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government.

Section 3. The City Manager shall appoint to the Commission one or more staff members who will act as a liaison and who will not have a vote in Commission matters.

Section 4. Members shall be subject to removal by motion of the City Council by at least four affirmative votes.

Section 5. Members shall serve for a term of four years and until their respective successors are appointed and qualified. The terms are on a staggering basis; one of the terms shall expire each succeeding July 1. In no event will individual exclusive appointments to the Commission exceed two consecutive full terms, exclusive of appointments to fill unexpired terms.

Section 6. Members shall serve without compensation for their services as such but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council.

Section 7. Vacancy resulting from any cause shall be filled by appointment by the City Council. The appointment shall be for an unexpired term. If a vacancy occurs within six (6) months from the expiration of the term, the City Council has the discretion to appoint a replacement to serve the balance of the unexpired term plus one (1) full term of four (4) years.

Section 8. No member of the Commission shall be financially interested in any contract, sale or transaction in which the City is a part. No member of the Commission shall be employed or contracted as a consultant or independent contractor by the City.

Section 9. If a member absents himself or herself from three consecutive regular meetings of the Commission, unless by permission expressed by the Commission minutes, or ceases to be a qualified elector of the City, his or her office shall become vacant and shall be so declared by the City Council.

ARTICLE IV OFFICERS

Section 1. The officers shall be a chairman, vice chairman and a secretary. They shall be elected at the annual (July) meeting.

Section 2. Officers shall serve a term of one year from the July meeting at which they are elected and until their successors are duly elected.

Section 3. The Chairman shall preside at all meetings of the Commission, appoint all committees and their members, execute all documents authorized by the Commission, and generally perform all duties associated with the office.

Section 4. The Vice-Chairman, who in the absence of the Chairman or his/her inability to act, shall preside at all meetings and perform all other duties of the Chairman.

Section 5. The Secretary shall record minutes of all Commission meetings, keep a record of its proceedings and transactions, issue notice of all regular and special meetings, and shall perform all other duties as are generally associated with this office.

ARTICLE V MEETINGS

Section 1. The regular meetings shall be held at such frequency as required by

the Commission's workload and special meetings as are required. The date and hour of meetings are to be set by the Commission. All meetings shall be open to the public and comply with the Ralph M. Brown Act.

Section 2. The regular July meeting is designated the first meeting of the fiscal year, unless otherwise determined by the Commission.

Section 3. The order of business for the regular meetings shall include but not be limited to the following items. The order of business may be amended by motion of the Commission:

- A. Roll call
- B. Disposition of minutes of previous meetings
- C. Old business
- D. Staff reports
- E. Ad Hoc Sub Committee reports
- F. New business
- G. Public presentation to or discussion with the Commission
- H. Adjournment

Section 4. All scheduled and special meetings of the Commission shall be publicly announced and the proceedings of same shall be open to the public.

Section 5. Special meetings may be called at the direction of the Chairman or at the request of two members, for the transaction of business as stated in the call for the meeting.

Section 6. The Chairman may request, subject to available resources and workloads as determined by the City Manager, the attendance at meetings of any officer or employee of the City to assist the Commission in its deliberations in any advisory capacity.

Section 7. A quorum for transaction of business at any scheduled or special meetings shall consist of four members of the Commission present in person.

Section 8. Conduct and proceedings of all meetings shall be governed by *Robert's Rules of Order*. Failure to follow Robert's Rules of Order shall not invalidate any action taken by the Commission.

ARTICLE VI POWERS AND DUTIES OF THE COMMISSION

It will be the duty of the City Arts Commission to encourage, enhance, and approve of cultural endeavors within the City of Newport Beach.

The Commission will advise the Council on aesthetic activities of City operation such as

color arrangements and painting, statues, decorations, etc., for City property. The Commission will approve and initiate cultural activities in visual, musical, theatre, dance, crafts, and performing and literary arts within the City.

Where such activities are intermingled with the activities of other City departments or commissions, the Arts Commission's powers and duties will be limited to the approval of the aesthetic and cultural impact of these activities.

ARTICLE VII COMMITTEES

Section 1. The Chairman shall appoint Ad Hoc Sub Committees of one or more members for such specific purpose as the business of the Commission may require from time to time. All members of the Commission are required to serve on an Ad Hoc Sub Committee and are required to attend meetings, participate, and fulfill the role and responsibility of an Ad Hoc Sub Committee member. The Committee shall be considered to be discharged upon completion of the purpose for which it was appointed and after its Chairman has had a final report to the Commission;

Section 2. All committees shall make a progress report to the Commission, at each meeting.

Section 3. No committee shall have other than advisory power unless by suitable action of the Commission it is granted specific power to act.

ARTICLE VIII GENERAL

Section 1. An affirmative vote of the majority of all members of the Commission present at the time shall be necessary to approve any action before the Commission, providing a quorum is present. The Chairman may vote on any motion before the Commission.

Section 2. The By-Laws may be amended in accordance with the City Charter, by the majority vote of all members of the Commission, provided written notices of the proposed amendment shall be mailed to all members at least ten days prior to the meeting at which such action is proposed to be taken.

September 15, 1993
Amended July 8, 1999
Amended April 17, 2014