



City of Dallas

**Arts and Culture Advisory Commission
Rules of Procedure**

Approved April 18, 2019

Table of Contents

Section 1. Authority	1
Section 2. Definitions.....	1
Section 3. Overview of the Commission.....	1
Section 4. Meetings	2
Section 5. Attendance	7
Section 6. Committees	7
Section 7. Task Forces and Working Groups	11
Section 8. Public Speakers	11
Section 9. Conflict of Interest.....	11
Section 10. Annual Report.....	11
Section 11. Code of Conduct.....	12
Section 12. Communications/Media	13
Section 13. Liaison roles	13
Section 14. Enforcement	14
Section 15. Other Rules of Procedure.....	14
Section 16. Rules Suspension or Amendment	14

Section 1. Authority

The powers and duties of the Arts and Culture Advisory Commission (the “Commission”), formerly known as the Cultural Affairs Commission, are established by Chapter 2, Article XXVI of the Code. The Commission may adopt rules to govern its proceedings that are not inconsistent with Chapters 2 or 8 of the Code or state law. These supplementary rules of procedure (the “Rules”) establish such rules and guidelines to be followed by all persons at a meeting of the Commission, including Commissioners, city administrative staff and employees, the news media, and the public. **Should there be any conflict between these rules and guidelines and the Code, the Code shall control.**

Section 2. Definitions

- A. “Chair” means the presiding officer of the Arts and Culture Advisory Commission.
- B. “City” means the City of Dallas.
- C. “City Council” means the City Council of the City of Dallas.
- D. “City Manager” means the City Manager of the City of Dallas.
- E. “Code” means the City of Dallas, Texas Code of Ordinances, as amended.
- F. “Commission” is as defined in Section 1.
- G. “Commissioner” means a duly appointed member of the Arts and Culture Advisory Commission.
- H. “COP” means the Cultural Organization Program of the Office of Cultural Affairs.
- I. “Cultural Policy” means the Cultural Policy of the City of Dallas, as adopted by the City Council on November 28, 2018.
- J. “Director” means the Director of Cultural Affairs, as appointed by the City Manager, or his or her designee.
- K. “OCA” means the Office of Cultural Affairs.
- L. “Resident Member” is as defined in Section 6(B).
- M. “Rules” is as defined in Section 1.
- N. “Vice-Chair” means the vice-chair of the Arts and Culture Advisory Commission.

Section 3. Overview of the Commission

- A. As set forth and more fully detailed in the Chapter 2, Article XXVI of the Code:

- I. The Commission is an advisory body of 18 members appointed by the City Council. 15 of the Commissioners are appointed by each City Council member respectively and three of the Commissioners are appointed by the City Council as a whole. Each Commissioner is appointed for a two-year term beginning October 1 of each odd-numbered year and serves until his or her successor is appointed and qualified.
- II. The Chair of the Commission is appointed by the Mayor and the Vice-Chair is appointed by the full City Council. The Chair presides at all meetings of the Commission and in the absence of the Chair the Vice-Chair shall preside and exercise the powers of the Chair. The duties and privileges of the Chair are as set forth in Chapter 8 Article III of the Code and, in addition, include making liaison assignments, making committee, task force and working group assignments, and calling special meetings as more further detailed in these Rules.
- III. The three Commissioners appointed by the City Council as a whole shall also serve on the Public Art Committee of the Commission, and, in addition to qualifying for service on the Commission under this section and Section 6 herein, must meet the qualifications for service on the Public Art Committee as set forth in the city's cultural policy and program adopted by city council resolution.

Section 4. Meetings

A. Regular meetings

- I. The Commission must meet at least once each month and may hold additional meetings at the call of the Chair. The regular monthly meeting will be held in the Park Board Room at City Hall, unless the Chair or a majority of the Commission selects an alternative location in order to best fulfill the duties and responsibilities of the Commission. All regular and special meetings at City Hall will be recorded and broadcast live with audio and video and, to the extent that technology and City staff resources are available, all regular and special meetings at alternative locations will be recorded with audio and, if technologically feasible without degradation to the audio recording, video. The recording of meetings at City Hall is controlled by Public Affairs and Outreach, and OCA will endeavor to cause Public Affairs and Outreach to post such recordings to the City website within one business day after the meeting, followed by posting the link on OCA's website within a reasonable amount of time, not to exceed one business day. For alternative locations, OCA will endeavor to post any audio and, if applicable, video on OCA's website within a reasonable amount of time of the conclusion of the meeting, not to exceed two business days.

- II. At the regular meeting in November, the Chair shall propose a schedule of regular meetings during the following calendar year for the Commission's approval. Absent approval by a majority of the Commission, the schedule for regular meetings will be in the sole discretion of the Chair. The Commission, by majority vote, may cancel up to two regular meetings per calendar year for good cause and historically the Commission has cancelled the regular meetings for July and December. Regular meetings shall begin at 4:30PM Central Time, unless the Chair or the Commission by majority vote determines otherwise. Historically, regular meetings have lasted for 90 minutes, but may extend beyond 90 minutes in the Chair's discretion.
- III. Commissioners shall occupy the seats in the meeting room assigned to them, generally in order of seniority (based on length of continuous service on the Commission), with the Chair at the center and flanked on either side by the Director and the Vice-Chair.

B. Special meetings

- I. In accordance with Chapter 8, Article II of the Code, special meetings may be called by the Chair at any time and shall be called upon written request of Commissioners comprising at least one-third of the Commission. As provided in the Code, attendance at special meetings does not count for or against a Commissioner's attendance record.

C. Cancellation

- I. The Chair may, in the event of inclement weather or if it is reasonably anticipated that a quorum will not be met, cancel a meeting, provided that the Chair notifies the Director by 10:00AM Central Time the morning of the meeting.
- II. Upon receipt of notification of cancellation of a meeting, the Director shall immediately:
 - a. Notify all Commissioners, registered public speakers, and any other person the Director deems necessary to be notified of the cancellation of the meeting;
 - b. Send notice of the cancellation with the cancelled meeting's agenda to the City Secretary's Office for publication on the City's open meeting locations; and
 - c. Post the notice of cancellation and the cancelled meeting's agenda on OCA's website.

D. Agenda, Voting Items, Materials, and Motions

- I. OCA and the Commission affirm that (1) the Commission's receipt of agendas, voting item materials and briefing materials in advance of meetings is important to allow for informed discussion and action by the Commission and to allow the Commission to fulfill its purpose and obligations under the Code and Cultural Policy, and (2) the timely posting of such items to OCA's website and the City's official open meetings website, as applicable, is important to ensure transparency and accountability of both OCA and the Commission to the residents of Dallas. Accordingly:
 - a. OCA will share draft agenda and voting item materials with the Commission at least 96 hours (four days) in advance of a meeting.
 - b. The final agenda will be posted the City's official open meetings locations at least 72 hours before the meeting in accordance with the requirements of the Texas Open Meetings Act (Texas Government Code, Chapter 551). In the interest of transparency, the final agenda and voting item materials will also be posted to OCA's website at least 72 hours before the meeting. After the final agenda and voting item materials have been distributed, no changes by staff will be made to voting item materials prior to the commencement of the Commission meeting.
 - c. Subject to the availability of OCA staff resources and final completion of briefing materials, OCA will share briefing materials with the Commission in advance of a meeting and post such briefing materials to OCA's website within a reasonable amount of time of the conclusion of the meeting, not to exceed two business days.
- II. Voting and briefing items may be added to the agenda by the Chair, by a majority Committee or Commission vote, or by written request of at least 1/3 of sitting Commissioners. Requests for agenda item additions, if made at least four weeks in advance of the applicable meeting, will be added to the agenda, subject to the City Attorney's Office review and approval. If a request to add an agenda item is made less than four weeks in advance of a meeting, it may be added to the agenda if the City Attorney's Office and OCA staff have sufficient capacity to adequately research, review and prepare the requested item. Items that are not germane to the duties of the Commission may not be included in an agenda. If a germane agenda item is not added in the requested month, it will be addressed at the next regular meeting or alternatively, may be addressed at a special meeting before the next regular meeting. Items on the agenda will be acted upon in the order in which they appear, unless the Chair or a majority of the Commission elects otherwise.
- III. The Commission will not utilize a consent agenda unless the Commission, by a majority vote at a duly called meeting, elects otherwise for a calendar year or

the remainder thereof. Any election by a Commission to utilize a consent agenda will not be binding on the Commission for the following calendar year.

IV. The agenda for each regular meeting shall contain notice of the known upcoming committee meetings scheduled to be held in the following 30 days. These dates are subject to change, and final notice shall be posted with the City Secretary's Office to the City's open meeting locations, including but not limited to the City's open meetings website, in accordance with the Texas Open Meetings Act.

E. Motions

I. All Commissioners have an equal right to make a motion on any item before the Commission.

II. When recognized by the Chair, a Commissioner may state a readiness to make a motion. It is the privilege of the Chair, if the Chair thinks debate is not ended, to ask the Commissioner to hold the motion. The Commissioner may defer to the Chair's request or make the motion. If the Commissioner defers to the request, the Chair must return to that Commissioner prior to accepting a motion from any other Commissioner.

III. Discussion of motion.

a. The Chair shall require Commissioners to limit discussion to the question under consideration. [The Code §8-10 and §8-13]

b. All discussion must be addressed to the Chair and not to individual Commissioners.

c. No Commissioner may speak more than once upon any one item until every other Commissioner choosing to speak on the item has spoken, and no Commissioner may speak more than twice upon any one item, nor for longer than five minutes each time, without a two-thirds vote of the Commissioners present. The ten minute limitation includes time expended by the Commissioner on discussion and debate. [The Code §8-16]

d. A Commissioner, once recognized by the Chair, may not be interrupted while speaking unless called to order by the Chair or a point of order is raised by another Commissioner. If a Commissioner is called to order while speaking, the Commissioner shall cease speaking immediately until the question of order is determined. If ruled to be in order, the Commissioner may proceed. If ruled to be not in order, the Commissioner shall remain silent or shall alter the remarks so as to comply with rules of the Commission. [The Code §8-15]

- e. No Commissioner may address the Chair or demand the floor while a vote is being taken. [The Code §8-13]

I. Reconsideration.

- a. Unless the City Council's Quality of Life, Arts & Culture Committee or City Council refers an item back to the Commission, a motion to reconsider is the exclusive method by which an item can again be brought before the commission after a final vote has been taken.
- b. A motion to reconsider may not be made later than the next regular meeting.
- c. A motion to reconsider can only be made by a Commissioner who voted with the prevailing side.
- d. A motion to reconsider may be seconded by any Commissioner.
- e. An item may not be twice reconsidered, except by unanimous consent of the Commission.
- f. The motion to reconsider must be on an agenda that is publicly posted. In order to reconsider the action in the same meeting at which the motion to reconsider is made, the subject matter of the reconsideration must be on the agenda that is publicly posted.
- g. A motion to reconsider may be placed on the agenda using the procedure outlined in Section 4(D)(II) herein.
- h. Once an action reaches the floor of the City Council's Quality of Life, Arts & Culture Committee or City Council, the Commission may not change it. Once an action can no longer be changed by the Commission, it may not be reconsidered.
- i. An item referred back to the Commission by the City Council's Quality of Life, Arts & Culture Committee or City Council is a new item.

F. Open Meetings

- I. All hearings of the Commission are open to the public unless pertaining to matters authorized under the Texas Open Meetings Act to be discussed in executive session. [Texas Government Code Chapter 551; the Code §8-6(a) and §8-25(a)]
- II. The decisions and official records of the Commission are public records except as provided by the Texas Open Records Act. [Texas Government Code Chapter 552; the Code §8-6(a)]

Section 5. Attendance

- A. Chapter 8, Article IV, Sections 8-20 and 8-21 of the Code govern the attendance requirements of the Commissioners. Pursuant to Chapter 8, Article IV, Section 8-20, a Commissioner who is absent from more than 25 percent of the regular meetings during any 12-month period, whether excused or not, shall result in a forfeiture. By way of example, if there are 10 regular meetings during a 12 month period, a Commissioner may not be absent for more than two regular meetings without resulting in a forfeiture.
- B. Commissioners shall endeavor to notify the Chair and OCA staff if they anticipate being absent from part or all a meeting as a courtesy to their fellow Commissioners so that meetings can be cancelled in advance if it is anticipated that a quorum will not be met.
- C. Excusal during meeting:
 - I. In accordance with Chapter 8, Article IV, Section 8-21(a) of the Code, a Commissioner who leaves a Commission meeting after the meeting has been duly called to order and is absent from the remainder of the meeting, without first obtaining the consent of the Chair, shall be charged with an unexcused absence for that meeting.
 - II. However, if the Commissioner shows up to the meeting and then obtains the consent of the Chair to leave the meeting because of an emergency beyond the control of the Commissioner, the absence will be considered excused and will not count against the Commissioner.
- D. If a published agenda item is not addressed at a meeting due to time constraints or loss of quorum, it will be added to the agenda for the next meeting of the Commission and the Chair will ensure that the item is addressed at that meeting.

Section 6. Committees

- A. Standing Committees
 - I. The following standing committee of the Commission is established:
 - a. Allocations Committee: The allocations committee recommends support levels to the Director for cultural service contracts through the Cultural Support Programs and other duties as provided in the Cultural Policy.
 - II. The Public Art Committee is established in Chapter 2, Article X of the Code and further governed in Section 6(B) of these Rules.

B. Public Art Committee

- I. The duties and composition of the Public Art Committee are established in Article X, Sections 2-102(12) and 2-105(b) and Article XXVI, Section 2-161(e) of the Code and are incorporated by reference and made a part of these Rules for all purposes.
- II. Section 2-102 (12) of the Code provides that the Public Art Committee shall be composed of the three Commissioners who are full City Council appointments to the Commission plus an additional eight Commissioners who are professionally qualified residents of the City appointed by the Commission (each, a "Resident Member"). Resident Members must have been a resident of the City for at least six months prior to the date of appointment, be a qualified voter in the City at the time of appointment, maintain residency in the City during their term of appointment, and have demonstrated experience as one or more of the following:
 - a. a visual artist (by means of a currently demonstrable record of exhibitions, work sold/collected and/or commissioned),
 - b. as an architect,
 - c. landscape architect,
 - d. art historian or critic,
 - e. arts advocate/collector,
 - f. curator or gallerist,
 - g. urban planner or engineer,
 - h. producer of public art, or
 - i. art scholar or art teacher.
- III. It is the preference of the Commission that Resident Member nominees also have experience in one or more of the following:
 - a. environmental design,
 - b. place making,
 - c. economic development,
 - d. public relations/community outreach,
 - e. interest in arts education,
 - f. promotion of cultural activities and public art,
 - g. support of the efforts towards cultural equity in the city of Dallas.
- IV. Appointment of Resident Members.
 - a. Nominations shall be provided to the Director by Commissioners, City staff, and interested residents of the City. Following research by the Director to confirm the candidate's willingness to serve on the Public Art Committee and candidate eligibility in accordance with Section 6(B)(II) above, a list of qualified candidates will be submitted to the Commission for consideration.

- b. Following appointment by the Commission, the Commission coordinator shall notify the person in writing of the appointment. The notification shall contain the City's Code of Ethics and a form of acceptance of appointment to be returned to the Commission coordinator by the appointee.
 - c. The appointee shall return the signed acceptance of appointment to the Commission coordinator within 15 calendar days from the date of receiving notice of the appointment. If the Commission coordinator does not receive the signed acceptance of appointment within the required 15 days, that committee position shall be considered vacant and a new appointment made.
- V. Chair and Vice Chair. The chair and vice chair of the Public Art Committee shall be appointed from among the membership of the committee by the Chair of the Commission.
- VI. Appointment Terms and Term Limitations.
- a. After the 2019 adoption of these Rules, the Resident Members of the Public Art Committee shall serve staggered terms of up to two years. The terms of these 2019-appointed Resident Members shall be assigned to achieve a staggered rotation, spread as fairly as possible, with terms ending on September 30, 2020 or September 30, 2021 as resolved by the Commission.
 - b. Subsequent to the appointment of the 2019 Resident Members, each Resident Member shall be appointed for a two-year term beginning on October 1 of each year. All Resident Members shall serve until their successors are appointed and qualified, except that a Resident Member may not hold over in his or her position longer than nine months after the expiration of his or her term.
 - c. A person who has served as a Resident Member of the Public Art Committee for four consecutive two-year terms will not again be eligible to serve on the Public Art Committee until at least one term has elapsed, regardless of whether service was as a member or chair.
- VII. Removal of Resident Members.
- a. A Resident Member of the Public Art Committee automatically forfeits his or her appointment to the Public Art Committee for violation of the attendance requirements of the committee provided in Section 5(B)(VIII) below.
 - b. The Chair of the Commission or the Director may only remove a Resident Member from the Public Art Committee for a violation of these Rules (other

than attendance requirements) or other good cause with the written support of not less than two Commissioners who are also members of the Public Art Committee.

VIII. Attendance Requirements for Resident Members.

The Resident Members are subject to the same attendance rules as set forth in Section 5 of these Rules.

C. Ad Hoc Committees

- I. The Chair or the Commission, by majority vote, may create ad hoc committees from time to time to study and review specific issues. The Chair shall determine the number of members on the committee. The ad hoc committees shall be established for a designated period of time which may be extended by the Chair and shall meet as needed.
- II. A committee shall consist of not less than three members and not more than eight Commissioners, with the exception of the Public Art Committee, whose members and appointments are established in the Code, Article X, Section 2-102(12).
- III. The Chair may assign and remove committee chairs and members to and from the various standing and ad hoc committees, except for the Public Art Committee which is governed by the Code and Section 6(B) of these Rules. All such actions must be made in writing to notify the Director or his or her designee, the committee chair, and the member whom the action concerns.
- IV. A member of a committee automatically forfeits their appointment to the committee for violation of the attendance requirements of the committee provided in Section 6(C)(VI) below. The Chair, at his or her sole discretion, may choose to re-appoint a member whose committee membership was forfeited due to a violation of the attendance requirements.
- V. Committee meetings must be conducted in accordance with the Texas Open Meetings Act (Texas Government Code, Chapter 551).
- VI. Committee members are subject to the same attendance rules as stated in Section 5 of these Rules.
- VII. Any Commissioner may attend a committee meeting, regardless of committee membership, and participate in discussion if no conflict of interest exists, but a Commissioner shall not have a vote at the Committee unless that Commissioner is a member of the Committee.

Section 7. Task Forces and Working Groups

The Chair may create ad hoc task forces and working groups as may be appropriate from time to time.

Section 8. Public Speakers

- A. The Commission acknowledges the importance of hearing from public speakers to allow for informed discussion and action at the Commission and to allow the Commission to fulfill its purpose and obligations under the Code and Cultural Policy.
- B. For regular meetings of the Commission, speakers must register by noon on the day of the meeting in the manner as prescribed on the published agenda. The Chair at his or her sole discretion may allow people who register after this deadline to speak.
- C. Public speakers must address their comments to the Chair and will typically each have three minutes to speak. This time limit may be changed at the sole discretion of the Chair, and may be shortened if there are a large number of speakers. The Chair may also allow speakers to speak for longer than three minutes in his or her sole discretion. The Chair's decision to limit the duration of each public speaker to under three minutes or to not hear from public speakers who have timely registered may be overruled by a motion and 2/3 vote of the Commission.

Section 9. Conflict of Interest

- A. A Commissioner prevented from voting by conflict of interest shall leave the meeting room during the discussion of the item, shall not vote on the matter, and shall otherwise comply with the state law and City ordinances concerning conflict of interest.
- B. A conflict of interest for Commissioners exists as described in Chapter 12A of the Code. Given its review and role of recommending funding for the procurement of cultural services, the Commission also holds itself up to the definition of conflict of interest for panelists as defined in Section 3(C)(iii) of the Cultural Policy. This includes affiliate, economic, or adversarial relationships of the Commissioner or his or her immediate family members. An exception to this conflict of interest is made in the case of the Commission-assigned liaison role. If a Commissioner is assigned to be an organization liaison to an organization that works with OCA, then a conflict of interest does not exist due to that assignment.

Section 10. Annual Report

- A. At the regular meeting for November, OCA staff will furnish a draft of the proposed annual report for the previous fiscal year (October 1 – September 30). The report

(as required by the Code sec 8-1.1) will contain the mission or guiding principles, summary of the prior year's activities, a list of the current year's objectives or programs and Commission recommendations.

- B. Commissioners may submit revisions to the draft to OCA and the Commission task force, if applicable. Such revisions must be made during the regular November Commission meeting or in writing to OCA staff at least five business days prior to the regular January meeting to allow for updating and publication in advance of the January Commission vote.
- C. The proposed report will be submitted for vote at the regular meeting in January, and upon approval, will be sent to the City Manager by February 1 for distribution to the City Council. Any Commissioner present on the Commission for the previous fiscal year may submit a minority or dissenting viewpoint for inclusion without editing in the final written report as provided in the Code §8-1.1(e). Submissions must be made to OCA staff within two business days of the Commission vote to adopt.
- D. In accordance with the Cultural Policy, the Commission's annual report shall also include measures of equity and diversity provided by the Office of Cultural Affairs. Given the timing of final report submission to OCA from COP organizations in November, the draft of these metrics may be prepared as an addendum to the Annual Report and distributed to Commissioners via email at least ten business days prior to the regular January meeting of the Commission. Commissioners must submit revisions at least five business days prior to the regular January meeting, as noted above in Section 10(B).

Section 11. Code of Conduct

- A. Commissioners shall comply with Chapter 12A – Code of Ethics of the Code and Section 8, Article V – Code of Conduct of the Code, including without limitation, the following standards of civility:
 - I. City officials shall accord the utmost respect and courtesy to each other, City officials, City employees, citizens, and persons doing business with the City.
 - II. City officials shall not discriminate against any person because of the person's race, color, age, religion, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, sex, or political opinions or affiliations.
 - III. City officials shall not make comments or take actions that are abusive; belligerent; crude; derogatory; disparaging; impertinent; personal attacks upon the character, integrity, or motives of others; profane; rude; slanderous; or threatening.

- B. In addition, while in a meeting room, Commissioners shall refrain from any activity that could divert their attention or that of the other Commissioners from the matters before the Commission.

Section 12. Communications/Media

Commissioners must avoid “walking quorums” (including, but not limited to, gatherings at which Commission business is discussed in person, by email, or on social media). A walking quorum is defined as a simple majority of Commissioners officially appointed to the Commission or a committee, regardless of the total number of Commissioners actually provided for the commission or committee.

Section 13. Liaison roles

- A. Commissioners may be assigned by the Chair to serve as Commission liaisons to, but not limited to, all organizations contracting with the City through COP.
- B. Individual Commissioners may also be appointed by the Chair to serve as liaisons to cultural facilities operated by OCA.
- C. Commissioner liaisons shall be reviewed and appointed by the Chair of the Commission, based on specific interests and capabilities of individual Commissioners in order to serve as a resource to the organization.
- D. These liaison roles will allow Commissioners to report on the programs and needs of those organizations to the Commission and OCA. Direct access to individual Commissioners will enable the various cultural organizations to readily obtain information regarding the activities of the Commission and OCA.
- E. The appointments shall change every two years and/or at the discretion of the Chair of the Commission
- F. At no time during the relationship should the individual Commissioner liaison attempt to speak for or make promises on behalf of the Commission or OCA. It must always be made clear that the liaison is speaking as an individual.
- G. Liaisons may work with OCA staff and their assigned cultural organization to address management matters (for example, funding recommendations, contract compliance issues, Arts Month planning). In his or her role as a liaison, the Commissioner may authorize another Commissioner to liaise on his or her behalf as desired. During all such conversations, the liaisons must be independent, impartial, and responsible only to the people of the City. This guidance is from Chapter 12A: Code of Ethics of the Code (Sec 12A-1).

Section 14. Enforcement

Commissioners, citizens, and other visitors shall be removed from the meeting for failure to comply with decisions of the Chair or continued violations of these Rules or the Code. In accordance with Chapter 8, Article V of the Code, if the Chair fails to act, any Commissioner may move to require the Chair to enforce these Rules, and the affirmative vote of a majority of the Commission shall require the Chair to act.

Section 15. Other Rules of Procedure

Unless other specified in these Rules and in Chapter 8 of the Code, the proceedings of the Commission shall in all cases be governed by the rules of order as set forth in the most recent edition of "Robert's Rules of Order." [The Code, Sec 8-5.]

Section 16. Rules Suspension or Amendment

A. Suspension of Rules

Any provision of these Rules not governed by the City Charter, the Code or State law may be temporarily suspended by a two-thirds vote of Commissioners present.

B. Amendment of Rules

These Rules may be amended or new rules adopted by a majority vote of the Commissioners, following appropriate public notice in accordance with the Texas Open Meetings Act (Texas Government Code, Chapter 551).