

ALBUQUERQUE ARTS BOARD
BY-LAWS, RULES OF PROCEDURE AND CODE OF CONDUCT
-Revised 2013-

These By-Laws, Rules of Procedure and Code of Conduct are promulgated and adopted in accordance with the power and authority of the City of Albuquerque as outlined in the Art in Municipal Places Ordinance (Ord. 89-1978; Am. Ord. 47-1982; Am. Ord. 24-1992; Am. Ord. 3-2000; Am Ord. x-2012) (Article 5.[XIV], Chapter 10, R.O.A., 1994) hereinafter referred to as the "Art in Municipal Places Ordinance," Albuquerque Ordinance § 10-5-1 et seq. and as amended. These By-Laws, Rules of Procedure and Code of Conduct will serve the public, City staff and the Albuquerque Arts Board as a guide to the operations and policies of the Board and accommodate the carrying out of the intent of the ordinance which created the Board. The organizational structure of the Board and its sub-committees shall be governed by the Public Board, Commissions and Committees Ordinance, Article 6 [XII] of Chapter 2 [I] of the Revised Ordinances of Albuquerque, New Mexico, 1994 [1974] hereinafter referred to as the "Public Boards, Commissions and Committees Ordinance," Albuquerque Ordinance § 2-6-1-1 et seq. and as amended.

Article I. The Board

Section 1. The name of the Board shall be the Albuquerque Arts Board.

Section 2. The administrative support for the Board shall be provided by the Cultural Services Department, Public Art Urban Enhancement Program.

Article II. The Object of the Board

Section 1. The Board shall promote and encourage private and public programs to further the development, public awareness of and interest in the visual arts and other duties as prescribed in the Art in Municipal Places Ordinance.

Article III. Members of the Board

Section 1. The eleven members of the Board are nominated by City Council and appointed by the Mayor pursuant to the Art in Municipal Places Ordinance and serve staggered three year terms unless fulfilling the appointment of a member who has resigned or who has been removed from the Board pursuant to the Public Boards, Commissions and Committees Ordinance.

Section 2. Members shall be broadly representative of all fields of the visual arts. They shall include persons who are widely known for their professional competence and experience in the visual arts and knowledgeable lay persons. The Board shall develop and maintain a schedule of valued positions of expertise and a list of qualified prospective members to recommend to the

appropriate elected officials when vacancies occur. See Appendix A to the Bylaws, “Board Position Matrix”, for types of positions and/or expertise valuable to serve on the Arts Board

Section 3. Except as provided in the Art in Municipal Places Ordinance, the qualifications and appointment of the members of the Board and any of its subcommittees and the organizational structure of the Board and its subcommittees shall be governed by the Public Boards, Commissions and Committees Ordinance.

Section 4. Absences. Any member of a public board, commission or committee may be removed from office by the Mayor after due notice and hearing if such member has missed three consecutive meetings or has been absent from more than fifty percent of the meetings held during any twelve months period of time pursuant to the Public Boards, Commissions and Committees Ordinance.

Section 5. Conflict of Interest. The Art in Municipal Places Ordinance supplements Section 4 of the Public Boards, Commissions and Committees Ordinance. Board members serving on the Albuquerque Arts Board shall abide by the CONFIDENTIALITY AND CONFLICT OF INTEREST AGREEMENT signed by the board member at the time of appointment.

Section 6. Resignations. Any member may need to resign for personal or professional reasons. Resignation requires that a letter of resignation be sent to the Mayor's Office with copies to the Chair of the Board and to the Program Manager.

Article IV. Officers of the Board

Section 1. The minimum number of officers of any board, commission or committee shall be not less than two officers (such as Chair and Vice-Chair) and such other officers as such public board, commission or committee may deem necessary pursuant to the Public Boards, Commissions and Committees Ordinance.

Section 2. The officers of the Albuquerque Arts Board shall be the Chair and the Vice-Chair.

Section 3. The Chair shall preside at all meetings of the Board and shall appoint all committees and perform such other duties incident to the office.

Section 4. The Vice-Chair shall, in the absence of the Chair, perform the duties of the Chair and shall have all the powers relating to the Chair's authority.

Section 5. Annually, at the January meeting the Board as a whole shall organize by election and installation of a Chair and Vice-Chair and they will take office at that time. Election shall be by ballot unless only one name is nominated for the office in which case election may be by voice vote.

Section 6. All officers shall be elected by the members for a term of one year and no officer shall

serve more than two consecutive terms pursuant to the Public Boards, Commissions and Committees Ordinance.

Section 7. Vacancies. The vacancy in any office shall be announced at the next regular meeting of the Board following resignation, removal or death of the officer and a replacement shall be elected at the following regular meeting of the Board.

Article V. Meetings

Section 1. All meetings of any public board, commission or committee shall be open to the public and insofar as possible, shall be held at a City-owned facility pursuant to the Public Boards, Commissions and Committees Ordinance and shall be conducted in accordance with the State of NM Open Meeting Act, by resolution adopted annually.

Section 2. Reasonable notice shall be given to the public prior to any meeting of the Arts Board, pursuant to the State of New Mexico Open Meetings Act. Notice of regular and special meetings, including the meeting agenda, should be available at least seventy-two (72) hours and as provided by City Ordinances.

Section 3. Minutes shall be kept of each meeting and filed with the City Clerk and copies of the minutes shall be sent to the Mayor pursuant to the Public Boards, Commissions and Committees Ordinance.

Section 4. A majority of all the members of the Arts Board, or Art Selection committee shall constitute a quorum for the transaction of business. A motion shall carry upon the affirmative vote of the majority of the members present at any meeting pursuant to the Public Boards, Commissions and Committees Ordinance.

Section 5. Persons outside the Board wishing to have the Board consider specific questions or matters shall make written or verbal request to the Chair or staff to have such items placed on the agenda or during the Public Comment section of the monthly meeting. Such requests shall be made at least 72 hours prior to the meeting pursuant to the Public Boards, Commissions and Committees Ordinance, per the Open Meetings Act.

Section 6. Special or Called Meetings. Business at such meetings shall be limited to that specified in the call.

Article VI. Committees

Section 1. The Board shall establish subcommittees to advise and assist the Board pursuant to Article 5.

Section 2. Art Selection Committees, Project Planning Committees, or Ad Hoc Committees may

be established as subcommittees (“Committees”) to the Board to recommend to the Board an artist or a work of art to be funded from the Capital Implementation Program as provided for in Section 5.A. of the Ordinance. Committee and task force members shall be appointed by the Board for terms to be specified by the Board pursuant to the Art in Municipal Places Ordinance.

Section 3. Arts Board liaisons on committees, shall be members of the Board, and are selected by the Chair. Arts Board liaisons represent the Board on the Art Selection or Project Planning Committees. In addition, Chairs of each Art Selection Committee are also appointed by the Chair of the Arts Board. Liaisons represent the interests of the Arts Board on Art Selection Committees and, in turn, bring the recommendations and/or reports of the Art Selection Committees to the Board. Liaisons shall promote cooperation of Art Selection Committee members in carrying out project development, advise on procedures described in the Program’s Guidelines and encourage consensus in the planning of projects and the selection of artists. For the purposes of identifying the Arts Board liaisons for a project, the Chair shall take up the task at a duly called Board meeting.

Section 4. Committees shall be established according to Public Art Program Guidelines as coordinated by staff and the Arts Board liaison assigned to the Committee.

Section 5. At the time of the annual election of officers, the board shall re-establish standing committees such as the Unsolicited Proposal Committee for the purpose of reviewing unsolicited proposals in the manner described in the Public Art Program Guidelines, the Murals Committee and other committees the Board may opt to initiate throughout the year.

Section 6. The Board shall establish a Governance Committee of three members including the Board Chair, Vice Chair and another member elected by the Board to review the performance of the board as a whole and of the individual board members. The Arts Board Chair shall serve as Chair of the Governance Committee. The Governance Committee is responsible for initiating review and changes to the Board Bylaws, updating the Board Position Matrix, Program Guidelines, or other governing documents applicable to the Arts Board, and for addressing personnel concerns and investigating disciplinary issues involving Board members. They shall recommend Board removal, if indicated, to the appropriate elected official.

Article VII. Code of Conduct

Section 1. Duty to the Public

The City of Albuquerque is a public service institution. In carrying out their assigned duties and responsibilities, Arts Board members must always remember their first obligation is to advise the administration on public art acquisitions and projects. This obligation must be carried out within the framework of federal, state and local laws. Arts Board members shall serve the public and employees with respect, concern, courtesy and responsiveness, recognizing service to the public is the reason for their appointment.

Section 2. Professional Excellence

Arts Board members are encouraged to strive for personal and professional excellence as a means of keeping current on relevant issues and advising on the administering the public's business with professional competence, efficiency and effectiveness.

Section 3. Standards of Conduct, Nondiscrimination and Harassment

Arts Board members shall in all instances maintain their conduct at the highest personal and professional standards in order to promote public confidence and trust in the City and public institutions and in a manner that merits the respect and cooperation of employees and the community.

Violence by Arts Board members is prohibited and will not be tolerated toward another board member, city employee, or a member of the general public.

Actions, words, jokes, or comments based on a person's sex, race, color, national origin, age, religion, disability, sexual orientation, or any other legally protected characteristic have the potential to be offensive and if they become offensive will not be tolerated.

If an Arts Board member or an employee experience or witness unlawful or unwanted offensive conduct, harassment or behavior, he or she should report it immediately to the Program Manager so that it can be investigated in a timely and confidential manner.

If it is the Chair of the Arts Board who is the subject of the complaint, then it should be reported immediately to any member of the Governance Committee and the Program Manager so that it can be investigated in a timely and confidential manner.

If it is a member of the Governance Committee who is the subject of the complaint, then it should be reported immediately to the Arts Board Chair, or any other member of the Governance Committee and the Program Manager so that it can be investigated in a timely and confidential manner. If the complaint is investigated by the Governance Committee, then the accused Governance Committee member shall recuse themselves from the deliberation.

An individual can raise concerns or make reports without fear of reprisal or retaliation. A written report shall be prepared specifying the nature of the complaint, result of the investigation and any action agreed upon to eliminate such prohibited behavior and presented to the person reporting the incident and served on the Board member charged.

Any board member engaging in unlawful discrimination or harassment will be subject to disciplinary action, up to and including recommendation for removal from the board. This policy is intended to be consistent with all applicable local, state and federal discrimination laws.

Section 4. False Statements/Fraud

No Arts Board member shall willfully make any false statement, certificate, mark, rating or report in regard to any vote, certification, appointment or investigation, or in any manner commit any fraud, conceal any wrongdoing or knowingly withhold information about wrongdoing in

connection with advising the City or in connection with the work-related conduct of any City employee.

Article VIII. Parliamentary Authority

Section 1. The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall govern the organization in all cases in which applicable and in which they are not inconsistent with these By-Laws and applicable rules of the appropriate ordinances and other City statutes.

Article IX. Amendments to the By-Laws

Section 1. Amendments to the By-Laws may be made following the notice of the change(s) to Members of the Arts Board at the meeting of the Board prior to the vote on the amendment(s). Amendments must be approved by a two-thirds majority of all Board members.

APPENDIX A: Board Position Matrix *(To be developed upon adoption of these Bylaws)*