



# GABAC

**GREATER ALBUQUERQUE BICYCLING ADVISORY COMMITTEE**

**DEPARTMENT OF MUNICIPAL DEVELOPMENT, PO BOX 1293**

**ALBUQUERQUE, NM 87103**

**(505) 768-3658**

**Timothy M. Keller, Mayor**

**Monday, February 11, 2019**

**4:30 - 6:30 p.m.**

**7th Floor Conference Room, Room 7096**

**Old City Hall, (Fifth/Marquette NW)**

- **Welcome and Introductions**
- **Approval of the Agenda**
- **Approval of the January Meeting Minutes**
- **Announcements/Administrative**
- **Board Member Training, COA Legal**
- **Adjourn**
- **Next Regularly Scheduled GABAC Meeting: March 11, 2019**

**Members:** Irene Entila (City At-Large); Ed Gerety (City-At-Large); Rose McCamey (City-NE); Dan Majewski (City-SW); Jim Fordice, (City-NW); David Stromberg (City SE); Richard Meadows (EPC); Scot Key (Unincorporated West); VACANT (Unincorporated East)

**City Staff:** Josef Jansen, DMD, Engineering (768-3842)

**Notice:** If you are a person with a disability and require assistance to participate in this meeting, please call 768-2680, 72 hours prior to the meeting. TTY users may access this number via NM Relay at 1-800-659-8331.



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GREATER ALBUQUERQUE BICYCLING ADVISORY COMMITTEE  
DEPARTMENT OF MUNICIPAL DEVELOPMENT, PO BOX 1293, ALBUQUERQUE, NM 87103 (505) 768-2680



## SIGN-IN SHEET

**MONDAY, February 11, 2019- 4:30 p.m.**

**7th Floor Conference Room, Room 7096, City Hall, (Fifth/Marquette NW)**

### GABAC MEMBERS (Please Initial)

Dan Majewski

\_\_\_\_\_

Richard Meadows

*RM*  
\_\_\_\_\_

Rose McCamey

*Rm*  
\_\_\_\_\_

David Stromberg

*DS*  
\_\_\_\_\_

Jim Fordice

*JF*  
\_\_\_\_\_

Ed Gerety

*EG*  
\_\_\_\_\_

Scot Key

*SK*  
\_\_\_\_\_

Irene Entila

*IE*  
\_\_\_\_\_

Vacant

\_\_\_\_\_

### STAFF MEMBERS (Please Initial and/or Sign)

**Note: Please place a check before your name if you wish to provide information**

<input type="checkbox"/>	Josef Jansen DMD, COA
<input type="checkbox"/>	<i>Nick Winowich</i>
<input type="checkbox"/>	

<input type="checkbox"/>	



# GABAC



## VISITOR SIGN-IN SHEET

**MONDAY, February 11, 2019- 4:30 p.m.**  
**7th Floor Conference Room, Room 7096, City Hall, (Fifth/Marquette NW)**

**Note: Please place a check before your name if you wish to provide public input.**

*(Please Print Full Name – First and Last)*

<input type="checkbox"/>	Hein Maestas
<input type="checkbox"/>	

<input type="checkbox"/>	

## **PART 1: GENERAL PROVISIONS**

### **§ 2-6-1-1 SHORT TITLE.**

Sections 2-6-1-1 et seq. shall be known and may be cited as the "Public Boards, Commissions and Committees Ordinance."

('74 Code, § 1-12-1) (Ord. 55-1992)

### **§ 2-6-1-2 DEFINITION.**

For the purpose of §§ 2-6-1-1 et seq., the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***PUBLIC BOARDS, COMMISSIONS and COMMITTEES.*** Every board, commission, committee and other similar body whose meetings are required by the Open Meetings Act, Chapter 10, Article 15 NMSA 1978, as amended and as supplemented from time to time, to be open to the public.

('74 Code, § 1-12-2) (Ord. 55-1992)

### **§ 2-6-1-3 MEMBERSHIP.**

The following shall govern the qualifications, appointment and conduct of members of the public boards, commissions and committees of the city; provided that the provisions relating to qualifications and appointment of members of public boards, commissions and committees of the city shall apply only to members who are appointed after the effective date of §§ 2-6-1-1 et seq. and that any member of any public board, commission or committee in existence on the effective date of §§ 2-6-1-1 et seq. shall complete the term of office for which such member was appointed, unless said member's conduct is in violation of §§ 2-6-1-1 et seq.

#### **(A) *Qualifications.***

(1) Each person appointed to any public board, commission or committee shall normally be a resident of the city.

(2) No person regularly employed on a full-time basis by the city shall be appointed to any public board, commission or committee; provided that the Mayor, Councillors or administrative officers of the city may be appointed as ex officio members.

(3) No member of the immediate family of any elected city official shall be appointed to any public board, commission or committee.

(4) No person shall be a member of more than one public board, commission or committee at any one time.

(5) No person shall serve more than two consecutive terms on any public board, commission or committee; provided that if a person is appointed to fill an unexpired term of another person, that term shall not be considered a term for the purpose of this limitation if the time remaining in the term at the time of the appointment is one year or less.

#### **(B) *Appointments.***

(1) Except as otherwise provided by ordinance the Mayor, with the advice and consent of the Council, shall appoint the members of the public boards, commissions and committees. An appointment is not effective until Council approves it.

(2) The members of each public board, commission or committee shall be appointed from the broadest possible base of the community at large and, to the fullest extent possible, the Mayor will seek information from interest groups as to potential appointees.

(3) The Mayor shall send written notice of the appointment to the appointee, which notice shall clearly state that such appointment is made subject to all the provisions outlined herein, and the member so appointed may be removed by the Mayor for violation of any of the provisions hereby established.

(4) Each appointment shall be accepted in writing by the appointee confirming that such appointee accepts the policies outlined herein as a condition precedent to such appointee's appointment and holding office.

(5) Each appointment shall be for a term of three years unless the appointment is to fill a vacancy. The initial terms of members of newly established public boards, commissions and committees shall be staggered and shall be for either one, two or three years.

(6) Every member, unless removed as provided herein, shall hold office until a successor has been duly qualified unless the Council has voted not to approve that member for a reappointment, in which case, the member shall not serve beyond the date the member's current term expires or the date the Council votes not to approve the member, whichever is later.

(7) For all public boards, commissions or committees, whose members are not appointed based on recommendations of individual Councilors, the Council President may notify the Mayor in writing that a term has expired or a position is otherwise vacant and the Mayor shall have 60 days to submit a recommended appointment to fill that position. If the Mayor fails to submit a name within 60 days of notification, the Council President shall have the right to make the appointment subject to the advice and consent of the City Council.

(C) *Conduct.*

(1) Any member of a public board, commission or committee may be removed from office by the Mayor or by an affirmative vote of two-thirds of all Councilors after due notice and hearing if such member has missed three consecutive meetings or has been absent from more than 50% of the meetings held during any twelve consecutive months.

(2) Any member of a public board, commission or committee may be removed from office by the majority of Mayor or by an affirmative vote of two-thirds of all Councilors after due notice and hearing if such member has violated any law, regulation or charter provision, or for other good cause such as the intentional failure to carry out the duties of the board, commission or committee.

(D) *Number of Members.* Except as may be expressly provided otherwise in the ordinance or resolution establishing a specific public board, commission or committee, each public board, commission and committee shall consist of five members.

('74 Code, § 1-12-3) (Ord. 54-1975; Am. Ord. 60-1975; Am. Ord. 55-1992; Am. Ord. 35-2003; Am. Ord. 57-2003; Am. Ord. 1-2008; Am. Ord. 2-2008; Am. Ord. 8-2009)

§ 2-6-1-4 ORGANIZATION.

The following provisions shall govern the organizational structure of the public boards, commissions and committees.

(A) *Officers.*

(1) The minimum number of officers of any public board, commission or committee shall be not less than two officers (such as the Chairperson and Vice-Chairperson) and such other officers as such public board, commission or committee may deem necessary.

(2) All officers shall be elected by the members for a term of one year and no officer shall serve more than two consecutive terms.

(B) *Meetings.*

(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.

(2) Reasonable notice shall be given to the public prior to any meeting of any public board, commission or committee. At least once a year, each public board, commission or committee shall determine what is reasonable notice to the public; provided that in no event shall notice be less than the notice required for Council meetings. Each public board, commission and committee shall post on the City Clerk's web site: its annual schedule of meetings upon adoption of its annual schedule of meetings; all changes in the annual schedule of meetings; notice of special meetings; and notice of emergency meetings, giving the time, date and location of each meeting with a phone number of a contact person for those disabled people needing assistance to attend and observe the meeting.

(3) Minutes shall be kept of each meeting and filed electronically with the City Clerk by each public board, committee, and commission upon the approval of such minutes by the public board, committee, or commission. The City Clerk shall post all minutes received on the City Clerk's web site.

(4) Each public board, commission or committee shall meet at least quarterly provided that hearings by a public body in connection with an administrative adjudicatory proceeding need only occur as such cases are brought before such board, commission or committee.

(5) A majority of all the members of a public board, commission or 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. A member of a public board, commission or committee may participate in a meeting of the public board, commission or committee by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time, members of the public attending the meeting are able to hear any member of the public body who speaks during the

meeting and a quorum of the public board, commission or committee is physically present at the meeting.

(6) Whenever a public meeting of a public board, commission or committee is allowed to go into closed session pursuant to the Open Meetings Act, Chapter 10, Article 15 NMSA 1978, only members of such public boards, commissions and committees, City staff assigned to such public board, commission or committee, attorneys representing the public board, commission or committee on the subject discussed in the closed session and people with expert knowledge concerning the subject matter discussed in the closed session may attend the closed session.

(C) *Rules and Regulations.*

(1) Each public board, commission or committee may promulgate such rules and regulations for its conduct as may be deemed necessary.

(2) If an ordinance or resolution establishing a public board, commission or committee provides that the public board, commission or committee may adopt rules and regulations pertaining to matters within its jurisdiction, the public board, commission or committee shall comply with the following procedures in adopting such rules and regulations.

(a) Notice of the public board, commission or committee's intention to consider the adoption of a rule or regulation shall be given by posting in the lobby of City Hall, posting notice electronically on the City Clerk's web site dedicated to the schedule of rule making hearings and meetings of public boards, commissions and committees and by giving written notice to the Mayor and the Chief Administrative Officer. All such notices shall be given at least 14 days prior to the meeting at which the proposed rule or regulation will be considered and shall be in addition to the notice to be given to the public pursuant to division (B)(2) hereof. All such notices shall state the time and location of the meeting and contain a brief description of the proposed rule or regulation and a location where the full text of the proposed rule or regulation may be obtained.

(b) The meeting, at which the proposed rule or regulation is considered, shall be open to the public and any person may give testimony in favor of or in opposition to the proposed rule or regulation, whether such testimony is given orally or in writing. In considering the proposed rule or regulation, the public board, commission or committee shall give due consideration to all such testimony.

(c) Notwithstanding division (B)(5) hereof, a proposed rule or regulation shall be deemed to have been adopted by the public board, committee or commission upon the affirmative vote of a majority of the entire membership of the public board, commission or committee plus one additional member thereof. The rules or regulations shall not go into effect until filed with the City Clerk as required in this section.

(d) All rules and regulations adopted by a public board, commission or committee shall be promptly filed with the City Clerk and shall bear the signature of the presiding officer. In addition to filing the signed rule or regulation, the public board, commission or committee shall file the adopted rule or regulation electronically on the City Clerk's web site.

(e) The electronic filing requirement contained in the previous subparagraph shall also apply to all rules and regulations adopted by a public board, commission or committee prior to the effective date of the requirement in this section to file rules and regulations electronically.

(D) *Report.* At least once each year, every public board, commission or committee shall present a written report to the Mayor and Council of its activities for the past year and any recommendations as may be deemed appropriate.

('74 Code, § 1-12-4) (Ord. 54-1975; Am. Ord. 60-1975; Am. Ord. 55-1992; Am. Ord. 43-2007)

#### § 2-6-1-5 APPLICABILITY.

(A) The provisions contained herein shall apply to every public board, commission and committee of the city. In the event that any of the provisions contained herein conflict with any specific provision of any ordinance or resolution establishing a specific public board, commission or committee, such specific provision shall control.

(B) The provisions contained herein shall not apply to those boards, commissions, committees, task forces and other similar bodies established by city officials or employees but not appointed or consented to by the City Council, provided that such groups have no authority to make city policy, including the power to make rules and regulations.

(C) The prohibition contained in § 2-6-1-3(A)(2) shall not apply to the appointment of city employees to those public boards, commissions and committees which are established to perform a specific task or tasks and submit a report and which have a duration of not more than one year.

('74 Code, § 1-12-5) (Ord. 54-1975; Am. Ord. 60-1975; Am. Ord. 55-1992)

#### § 2-6-1-6 POLITICAL FORUMS PROHIBITED.

No public board, commission, or committee shall organize, sponsor, advertise or host any political forum for candidates running for any elective office. However, nothing in this Section is intended to restrict the members of boards, commissions, or committees from engaging in any political activities outside of the course and scope of their duties as a board, committee, or commission members.

(Ord. 2018-004)

### PART 2: BOARDS, COMMISSIONS AND COMMITTEES DEFENSE AND INDEMNIFICATION

#### § 2-6-2-1 SHORT TITLE.

Sections 2-6-2-1 et seq. shall be known and may be cited as the "Boards, Commissions and Committees Defense and Indemnification Ordinance."

('74 Code, § 1-23-1) (Ord. 7-1991)

#### § 2-6-2-2 PURPOSE.

The purpose of §§ 2-6-2-1 et seq. is to establish a policy of the city that the city will defend and indemnify members of the city's boards, commissions and committees from claims brought against such members while acting within the scope of the members' duties, responsibilities and service on city boards, commissions and committees.

('74 Code, § 1-23-2) (Ord. 7-1991)

§ 2-6-2-3 DEFINITION.

For the purpose of §§ 2-6-2-1 et seq. the following definition shall apply unless the context clearly indicates or requires a different meaning.

**MEMBER.** A member of any of the city's boards, commissions and committees established by Charter, ordinance or resolution.

('74 Code, § 1-23-3) (Ord. 7-1991)

§ 2-6-2-4 DEFENSE AND INDEMNIFICATION.

(A) The city shall provide a defense, including costs and attorneys' fees, for a member when liability is sought for:

(1) Any tort alleged to have been committed by the member while acting within the scope of the member's duties, responsibilities and service on a city board, commission or committee;  
or

(2) Any violation of property rights or any rights, privileges or immunities secured by the constitution and laws of the United States or the constitution and laws of New Mexico when alleged to have been committed by the member while acting within the scope of the member's duties, responsibilities and service on a city board, commission or committee.

(B) The city shall pay any settlement or final judgment entered against a member for:

(1) Any tort alleged to have been committed by the member while acting within the scope of the member's duties, responsibilities and service on a city board, commission or committee;  
or

(2) Any violation of property rights or any rights, privileges or immunities secured by the constitution and laws of the United States or the constitution and laws of New Mexico when alleged to have been committed by the member while acting within the scope of the member's duties, responsibilities and service on a city board, commission or committee.

(C) The city shall have the right to recover from a member of the city's boards, commissions and committees the amount expended by the city to provide a defense and pay a settlement agreed to by the member or to pay a final judgment if it is shown that while acting within the scope of the member's duties, responsibilities and service, the member acted fraudulently or with actual intentional malice causing bodily injury, wrongful death or property damage resulting in the settlement or final judgment.

('74 Code, § 1-23-4) (Ord. 7-1991)

**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)*