

**BYLAWS OF THE  
PUBLIC ART ADVISORY COMMITTEE OF THE  
CITY OF BENTONVILLE, ARKANSAS**

**Adopted by the PAAC on April 14, 2020**

**ARTICLE I            PURPOSE**

- 1.1 Ordinance No. 2007-24, amended with Ordinance No. 2013-40, adopts the Public Art Policy which establishes the Public Art Advisory Committee and authorizes it to adopt bylaws.
- 1.2 The within bylaws have been adopted by the Public Art Advisory Committee of the City of Bentonville, and all previously adopted bylaws are hereby repealed.
- 1.3 Pursuant to Ordinance No. 2007-42, as amended, this board shall be known as the Public Art Advisory Committee, hereinafter referred to as “Committee” or “PAAC.”
- 1.4 The purpose of these bylaws is to establish rules and procedures necessary to carry out the purpose and duties of this committee, as set forth in Ordinance No. 2007-42, as amended.

**ARTICLE II            ROLE OF PUBLIC ART ADVISORY COMMITTEE**

- 2.1 **Role established.** The Public Art Policy establishes the role of the Public Art Advisory Committee to serve in an advisory capacity to:
  - (a) Review artist proposals for placement of artworks on city-maintained property, making recommendations for fabrication and acquisition.
  - (b) Serve as a jury for artwork competitions, making recommendations of finalists to the City Council.
  - (c) Provide technical advisement to staff to develop a public art program.

**ARTICLE III           MEMBERSHIP**

- 3.1 **Voting Members.** Membership on the committee will be in accordance with Sec. D.2 of the Public Art Policy and the following:
  - (a) At least three people and no more than seven recommended by the Mayor and approved by the City Council shall serve on the Public Art Advisory Committee (PAAC).
  - (b) Membership shall be made up of arts professionals and members of the community. Arts professionals for these purposes are defined as: curators, visual artists, art critics, art historians, art collectors, art fabricators, architects, landscape architects, art educators, and other persons with visual arts backgrounds, respected in their field and willing to engage effectively in a panel process.

- (c) Other organizations and agencies, such as Downtown Bentonville, Inc. and Benton County, may be requested to participate in discussions should a piece of artwork directly impact that organization or agency. Benton County, through the County Judge's Office will be asked to participate should a piece of artwork impact the Bentonville Square.
- (d) When a new member is appointed to the committee, the position number he or she is filling will be so designated at the time of appointment.

**3.2 Ex-officio, non-voting members.** The following organizations may participate as an ex-officio, non-voting member of the committee.

- (a) One member of the Bentonville City Council.
- (b) One representative of the Bentonville Convention and Visitors Bureau.
- (c) One representative of the Bentonville Public Schools.

**3.3 Staff support.** The City of Bentonville shall provide staff support to the Public Art Advisory Committee.

- (a) *Primary staff support.* At least one representative from the Planning Department shall serve as a non-voting member on the Public Art Advisory Committee as primary staff support, hereinafter referred to as the "staff liaison," responsible for the following support and assistance.
  - (1) Establish, notify committee and post online a schedule with meeting date, times and locations.
  - (2) Prepare, distribute to committee, and post online committee meeting agendas.
  - (3) Provide necessary documents for meetings and decision making.
  - (4) Ensure that minutes are taken and posted online.
  - (5) Ensure meetings are recorded in accordance with Arkansas state law.
  - (6) Ensure that actions and activities of the committee are consistent with policies and procedures of the city.
  - (7) Offer insights about city organization, policies and efforts.
  - (8) Notify the committee of events, meetings or circumstances when the staff support is asked to speak on behalf of the committee.
  - (9) Update the committee's presence on the city website.

- (10) Act as point person for contact with other city liaisons, departments, or boards, unless otherwise designated.
  - (11) Facilitate communication among members in compliance with Arkansas open meeting laws.
  - (12) Assist the chairperson during the meeting, if necessary.
- (b) *Additional support.* At least one representative from the Bentonville Parks and Recreation Department shall serve as a non-voting member on the Public Art Advisory Committee as staff support.

**3.4 Compensation.** All members shall serve without compensation.

**3.5 Conflict of Interest.** Members of the Public Art Advisory Committee shall not hold any other municipal office or position on a standing municipal board, commission or authority, except that members of the committee may serve on other temporary committees, task forces or similar ad hoc groups. This does not apply to the one member of the Bentonville City Council serving as an ex-officio, non-voting member.

**3.6 Terms.** Terms shall be limited to three years. No member shall serve more than two three-year consecutive terms. Past members may serve again three years after the date their last term expired.

**3.7 Resignation.** Resignation of members of the committee shall be made in writing to the primary staff liaison who shall forward such resignation to the City Clerk. The resignation of the committee member shall be effective immediately upon receipt and verification by the City Clerk's office.

**3.8 Attendance.**

- (a) *Notification of absence.* Members should advise the staff liaison before the meeting date if they expect to be absent or late.
- (b) *Multiple absences.* Any member who misses two consecutive regular meetings or three meetings in a six-month period shall receive a written notification from the staff liaison advising the member of his/her absences.
- (c) *Cause for removal.* Any member who misses three consecutive meetings or more than four meetings within a one-year period, except in extraordinary cases, may, at the recommendation of the committee, constitute cause for removal by the City Council.

**3.9 Vacancy.** A vacancy in a member position shall be filled by appointment by the Mayor upon approval by the City Council. The term of the member appointed to fill the vacancy shall be fulfillment of the term of the member being replaced.

## ARTICLE IV. OFFICERS, TERMS, DUTIES AND ELECTIONS

- 4.1 Chairperson and Vice Chairperson.** The officers of the committee shall be a chairperson and vice chairperson. Officers shall serve one-year terms and may serve a maximum of two consecutive terms in a single office.
- 4.2 Duties of Chairperson.** The chairperson shall preside at meetings and shall decide points of order or procedure, following Robert's Rules of Order. They shall call the meeting to order, call for votes when necessary, and call for adjournment. The chairperson may designate a parliamentarian to keep the meeting running in an orderly fashion. The chairperson shall serve as the primary contact between the committee and the staff liaison.
- 4.3 Temporary Chairperson.** In case the chairperson is absent, the vice chairperson shall assume the duties as chairperson. If both are absent and a quorum is present, those members shall elect from among themselves a chairperson to proceed.
- 4.4 Elections.** Officers shall be elected by a majority vote of the members present at the first regular meeting of the calendar year. Nominations for an officer position do not require a second. Nominees shall have an opportunity to speak to their nomination before the vote is taken. A voice vote shall be taken to elect all officers.
- 4.5 Vacancy.** A vacancy in an officer position shall be filled by election at the next regular meeting of the committee among the board members present. Until such election, the Vice Chairperson shall serve as acting Chairperson if the chairperson position is vacant. All officers elected to fill a vacant officer position shall serve until the next officer election.

## ARTICLE V. MEETINGS

- 5.1 Minimum requirement.** The Public Art Advisory Committee shall meet at least quarterly.
- 5.2 Schedule.** Meetings shall occur on the regularly scheduled meeting dates established for the committee. Regular meetings may be postponed, rescheduled or cancelled by the staff support if necessary or if there is no business to conduct.
- 5.3 Meeting agendas.** The form of agendas shall be determined by the committee and shall be posted on the city website. Meeting agendas shall include a designated time for public comments.
- 5.4 Notice of meetings.** Posting of meeting agendas on the city website shall serve as notice of the meeting. Notice of any regular or special meeting shall be posted no less than 24 hours prior to the holding of such meeting, unless an emergency requires posting within 24 hours of the meeting time.
- 5.5 Special meetings.** Special meetings may be called by the chairperson plus one regular member. When a special meeting is scheduled, all members must be notified at least 24 hours prior to the time set for such meeting by phone and written notice, including a listing of all items to be considered at the special meeting, unless an emergency requires posting within less than 24 hours prior to such meeting. Formal action taken at a special meeting called in accordance herewith

shall be considered as though it were taken in a regular meeting for those, and only those, matters referred to in the agenda contained in the notice of the meeting.

- 5.6 Public meetings.** Committee meetings shall be open to the public as provided by the Arkansas Freedom of Information act. All meetings of a quorum or of two or more members of the committee at which any public business is discussed or at which any formal action may be taken, shall constitute a meeting for purpose of this section.
- 5.7 Public participation.** All public comments must be made during the public comment segment of the agenda. Public attendees shall sit in the audience unless asked to sit with the committee during their comments. The committee may identify time limits for public comments at its discretion.
- 5.8 Quorum.** A quorum shall exist when a majority of the voting members of the committee are present. When all seven positions are filled, a quorum shall consist of four members. Ex-officio member or staff support shall not be counted in arriving at a quorum. In absence of a quorum, no business shall be conducted by the committee, except rescheduling of the meeting.
- 5.9 Order of business.** The order of business shall follow the distributed agenda unless otherwise agreed to by the members.
- 5.10 Rules of procedure.** The committee may adopt is own rules of procedure, or may conduct is meetings in accordance with Robert’s Rules of Order.
- 5.11 Decision making.** The affirmative vote of a simple majority of those members present shall carry any motion or resolution. All voting members of the committee shall have equally weighted votes. Any member may make a motion, which must be seconded for further consideration. All voting shall be made by roll-call or voice vote.
- 5.12 Meeting minutes.** Written minutes shall be made for all committee meetings. The minutes shall be posted to the city website when the agenda for the upcoming meeting is posted. The minutes of each meeting shall be approved by the committee at its next meeting.

## **ARTICLE VI. SPECIAL AND STANDING COMMITTEES**

- 6.1 Special committees.** The chairperson may establish special committees to work on specific issues or projects as needed. Special committees may include persons other than members of the PAAC. The special committee shall serve only until completion of the purpose for which it was formed. Recommendations of a special committee must be approved by the PAAC before being considered officially adopted.
- 6.2 Standing committees.** There shall be no standing committee(s) of the PAAC unless authorized by City Council.
- 6.3 Committee chairperson.** A member of the PAAC shall serve as the chairperson of any committee.

## **ARTICLE VII. COMMITMENT TO THE PUBLIC**

- 7.1 Commitment to the public.** Committee members commitment to the public shall be demonstrated by adherence to all Arkansas and City of Bentonville laws, rules and regulations regarding conduct of public officials.
- 7.2 Conflict of interest.** The committee and its members shall adhere to all Arkansas and City of Bentonville laws, rules and regulations that may pertain to the avoidance of conflict of interest.
- 7.3 Communication among members.** Committee members shall adhere to all Arkansas and City of Bentonville laws, rules and regulations governing government communications.
- 7.4 Communications outside committee.** The committee may give individual members the authority to speak on behalf of the committee as needs arise. Individuals shall not speak for the committee without the committee's authorization and shall not make commitments on behalf of the committee unless the committee has formally approved such a commitment.

## **ARTICLE VIII. AMENDMENTS TO BYLAWS.**

- 8.1** These bylaws shall be adopted, and later suspended, amended or canceled only after an affirmative vote of 2/3rds of the membership of the committee. Copies of the proposed amendment(s) shall be provided to each member at least one week prior to the date of any regular or special meeting at which the bylaw amendment(s) are on the agenda for consideration.

BY A 2/3 VOTE OF THE APPOINTED VOTING MEMBERS OF THE PUBLIC ART ADVISORY COMMITTEE, THESE BYLAWS FOR THE PUBLIC ART ADVISORY COMMITTEE OF THE CITY OF BENTONVILLE ARE HEREBY PASSED AND APPROVED THIS FOURTEENTH DAY OF APRIL 2020.