

# CULTURAL ARTS COMMISSION

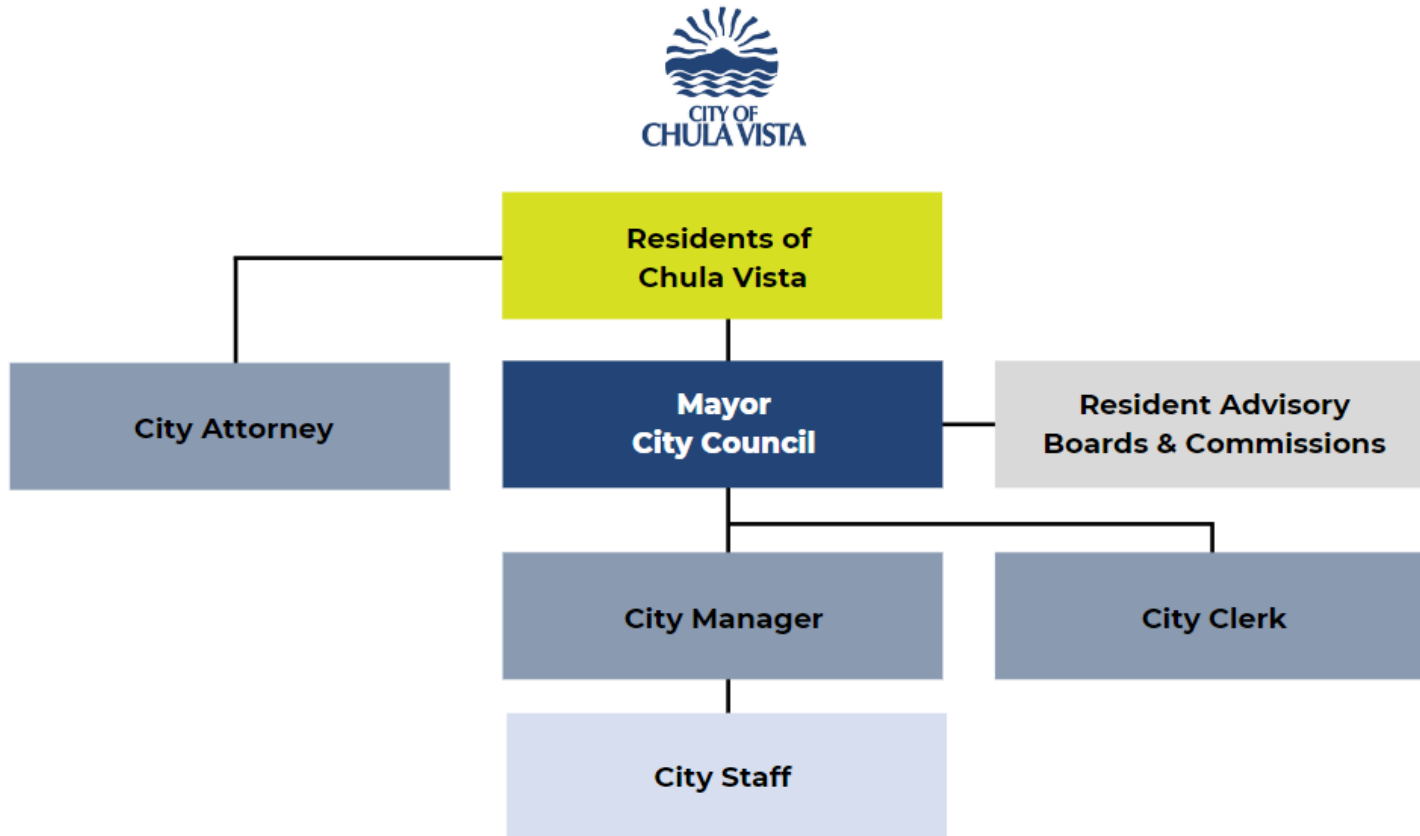
## Role, Duties, and Procedures

October 2, 2024



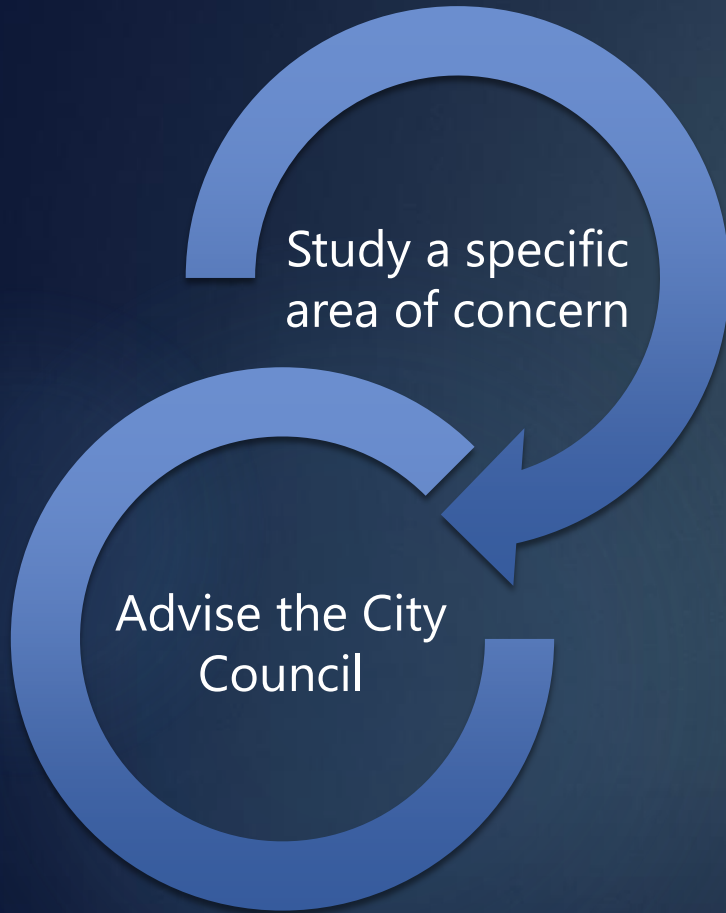
# Agenda

- ▶ City Overview & Board/Commission/Committee (B/C/C) Role
- ▶ Duties
- ▶ Procedures
  - ▶ Meetings/Attendance
  - ▶ Agenda
  - ▶ Minutes
  - ▶ Conflict of Interest
  - ▶ Member Communications
  - ▶ Recommendations to Council
- ▶ Brown Act
- ▶ Public Records Act



# City Structure

# Role of B/C/Cs



DO	DON'T
Ear for the City Council	Make policy decisions
Forum to encourage communication participation early in the process	Direct budget decisions, city operations or programs
Broad perspective on focused topics	Direct staff
Advisory recommendations to the City Council	Act outside of the authority granted by City Council

# Transition to B/C/C Member

## Community Advocate/ Activist

- Independent
- Advocacy
- Focused agenda



## B/C/C Member

- Official City representative
- Team member
- Collaborative
- Deliberator
- Focused on overall good for City
- Broad agenda

# Categories of Member Responsibilities

6

To the City Council

To the Community

To Each Other

To Staff

## Responsibilities to the City Council

Act	Act consistently with Council direction
Be	Be familiar with Council priorities
State	Clearly state if you are speaking for the B/C/C or yourself as an individual
Ask	Ask staff or who nominated you for feedback and insight
Focus	Stay focused on the official role of your B/C/C
Support	Support and promote Council priorities

# Responsibilities to the Community

1

Listen to and understand diverse interests within the community

2

Bring forward ideas...but within the scope of the B/C/C's role and work plan

3

Show respect to all who come before the B/C/C

4

Understand that you are seen as a City representative, not a resident or advocate

5

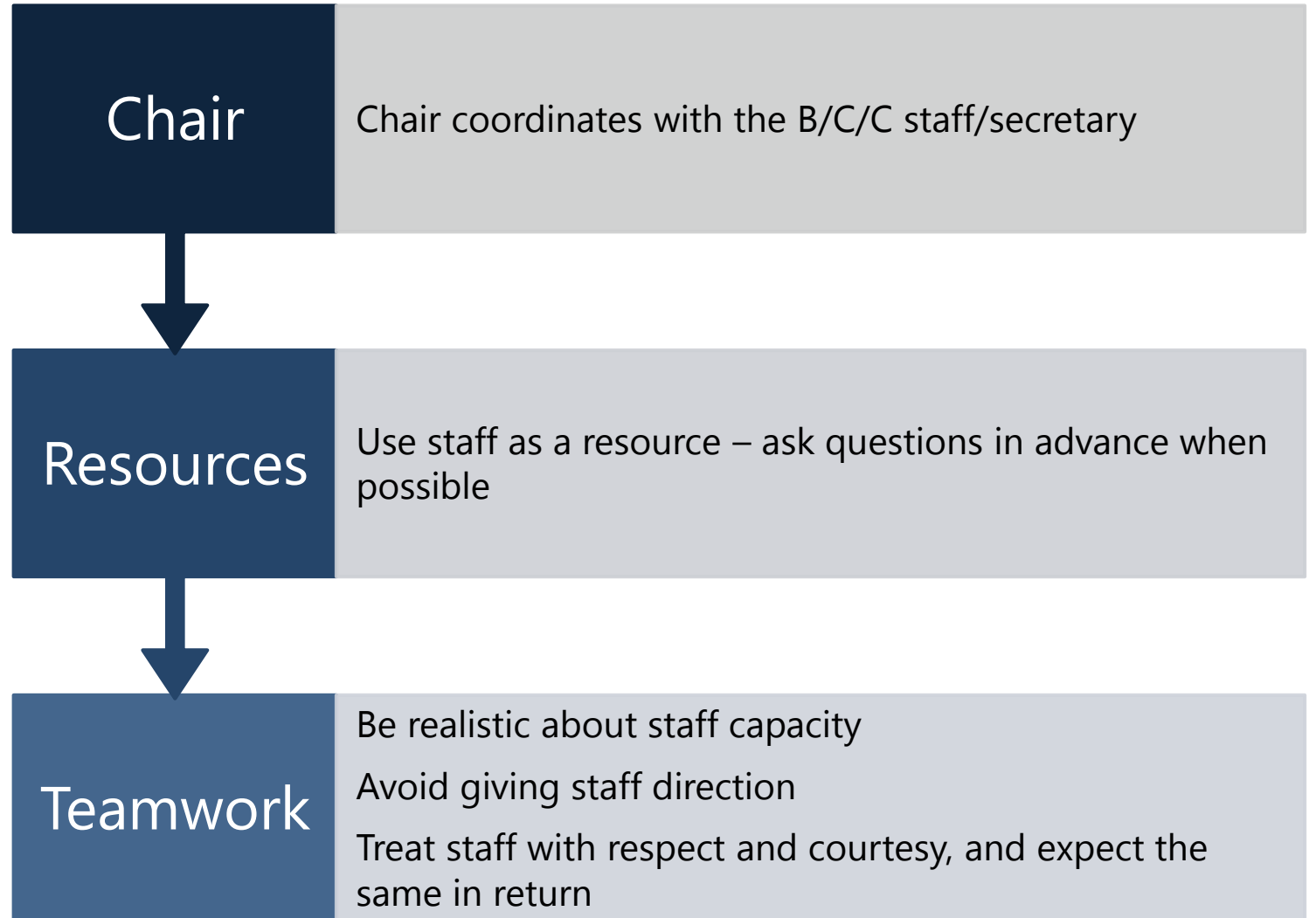
Help recruit for B/C/C vacancies – you're a great advocate!



# Responsibilities to Each Other

Be	Be prepared for meetings
Advise	Advise the secretary/staff well in advance if you will be absent
Allow	Allow others to speak without interrupting
Seek	Seek to understand other points of view
Respect	Respect decisions of the majority

## Responsibilities to City Staff



# Role of Staff Liaison & Secretary

Manages the agenda with the Chair

- Confirms subject matter jurisdiction of the B/C/C
- Sequences flow
- Reviews requests for items

Makes professional recommendations

Manages work plan

Provides input and technical advice

Monitors for potential Brown Act or other concerns

Manages B/C/C roster

# Cultural Arts Commission's Duties

*Chula Vista Municipal Code – 2.33.030 – Functions and Duties*

- A. Encourage the preservation of Chula Vista's cultural heritage and the creation of an atmosphere – a Chula Vista image – in which our citizens could take pride and have increased stature.
- B. Help coordinate and marshal support for the arts.
- C. Encourage the provision of cultural and artistic facilities and features in public and commercial construction.
- D. Formulate recommendations for a City arts program, including funding mechanisms, criteria for the selection and placement of public art, procedures for review plans, and guidelines to carry out a City arts program.
- E. Regularly assess, review and update recommended goals and long-range plans for the City; and regularly solicit public input on the arts.
- F. Encourage the development of arts and cultural programs for the youth of Chula Vista.

# Cultural Arts Commission's Duties

*Chula Vista Municipal Code – 2.33.030 – Functions and Duties*

- G. Promote the creation of a cultural environment to attract visitors and economic development. The Commission, by having a definite focus and by demonstrating a high degree of commitment to the arts, can conduct strategic long-range planning to help reach these goals.
- H. Make recommendations for cultural exchanges and activities that are virtual and/or accessible on the basis of mutual friendship and amity between the City and its sister cities.
- I. The Commission may develop guidelines for consideration during the application and appointment processes for new Members, which may include relevant questions to be included on the application, recommended considerations when making an appointment, and definitions of terms referenced in CVMC 2.33.040, related to the qualifications of Members.

▶ Generally advisory to City Council

- City Clerk
- About Us
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- City Council Meetings
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# Cultural Arts Commission

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[View Upcoming Meetings](#)

## Role and Function

Pursuant to the [City of Chula Vista Charter § 600](#) and [Municipal Code Chapter 2.33](#), the Cultural Arts Commission serves as a resource to advise and make recommendations to the City Council and the City Manager on cultural arts issues affecting the citizens of the City. The Commission identifies needs and supports those ideas which expand and enrich cultural arts city wide.

The Commission is composed of ten members appointed to staggered four-year terms. As listed below, all terms expire on June 30th of the year. Click here to [APPLY](#) for the Commission

**CONTACT THE COMMISSION**

**STAFF CONTACTS**

**Staff Liaison & Secretary:**  
 Erwin Magbanua  
 (619) 691-5138  
[emagbanua@chulavistaca.gov](mailto:emagbanua@chulavistaca.gov)

## Commission Members

Member	District	Appointment Criteria	Term Expires
Daniel Zavala (Vice Chair)	4	At-Large	2026
Vacant		Arts Professional	2026
Felix Sablan	1	Arts Professional	2025
Taylor Ward	1	Arts Professional	2026
Vacant		Arts Professional	2028
Christine Brady	4	At-Large	2027
Ken Muraoka	4	At-Large	2025
Lee Kohse	2	Arts Professional	2026
Kate Bishop (Chair)	2	Arts Professional	2026
Vacant		Youth Advisory	2025

## Regular Meetings

**Date:** First Wednesday of each month

**Time:** 6:00 p.m.

**Location:** Civic Center Branch Library  
[365 F Street, Chula Vista, CA 91910](#)

[View All Board Meetings](#) [View Council Meetings](#)

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## Upcoming Meetings

Calendar List Conflicts Registry

**Cultural Arts Commission- Regular Meeting**

Wednesday, October 02, 2024 @ 6:00 PM  
 Civic Center Branch Library

## Past Meetings

All (23)

- Cultural Arts Commission - Regular Virtual (1)
- Cultural Arts Commission - Special Meeting (3)

# Your Webpage

[www.chulavistaca.gov/cac](http://www.chulavistaca.gov/cac)

# Regular Meetings & Attendance

- The Commission's regular meeting date and time are the 1<sup>st</sup> Wednesday of each month at 6:00 p.m.
- ▶ Please promptly contact the B/C/C secretary if you will be absent
  - ▶ [cac@chulavistaca.gov](mailto:cac@chulavistaca.gov)
- ▶ Notice is important to ensure that the B/C/C will have a quorum



# Absences

*Chula Vista Municipal Code – 2.25.110 – Attendance requirements – Excused Absences*

- ▶ An office is deemed vacated if a member has three consecutive unexcused absences from regular meetings.
- ▶ Absences may be excused for the following reasons:
  - ▶ Illness; business commitments; pre-planned vacation with notice; funeral/religious services; unscheduled emergency; any other reason where seven (7) days notice provided
- ▶ The B/C/C must vote to excuse absences – a member may vote to excuse their own absence.
- ▶ Approval of excused absences must be entered into the minutes.



# FAQ - Attendance

▶Q: How do I request an excused absence?

▶A: Complete a "Request for Excused Absence" form, which you can request from your secretary. Alternatively, you can ask the secretary to complete the form for you.

▶Important Notes:

▶The requests are *public records*, so it's recommended that you use the form or provide a brief request without personal details

▶*It's incumbent on each member to request an excused absence.*

## REQUEST FOR EXCUSED ABSENCE City of Chula Vista Boards, Commissions, and Committees

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Name: \_\_\_\_\_ Date of Absence: \_\_\_\_\_

Board/Commission/Committee: \_\_\_\_\_

Chula Vista Municipal Code section 2.25.110 (C) allows board/commission/committee members, by a majority vote, to excuse a fellow board, commission, or committee member's absence from a meeting for any of the reasons listed below. **A member who is absent from three consecutive, regular meetings will be deemed to have vacated his or her membership, unless the member's absence is excused by a majority vote of the other members.** An absence is only recorded as "excused" upon receipt of a member's request and majority vote of the board/commission/committee to excuse the absence. Accordingly, if you have been absent from a regular meeting, please complete and submit this form to the chair or secretary.

Please indicate the reason for the absence:

- 1. Illness of the member, family member of the member, or personal friend of the member;
- 2. Business commitment of the member that interferes with the attendance of the member at a meeting;
- 3. Previously scheduled vacation of the member, notice of which was provided to the respective board or commission in advance of the meeting;
- 4. Attendance of the member at a funeral, religious service or ceremony, wedding, or other similarly significant event;
- 5. Unexpected, emergency situation that prohibits the member's attendance; or
- 6. Other reason for which the member has given notice to the secretary of his or her unavailability at least seven days in advance of the meeting.

OR

- The absence was not for any of the above-listed reasons. I understand that the absence will be recorded as unexcused.

# Agenda

- ▶ Roadmap for what will be discussed
- ▶ Only items on an agenda may be discussed/acted upon
- ▶ Items may be added by the Chair, City staff, or by a vote of the majority
- ▶ Must provide for public participation



# FAQ – Adding Agenda Items

▶ Q: How do I get an item added to the agenda?

▶ A: The Chair, staff, or a majority of the B/C/C can add an item to the agenda.

**Option 1:** The individual can ask the Chair to consider including the item on the next agenda. *Be careful only to email the Chair and secretary.* Emailing or discussing with a majority of the B/C/C may lead to a potential Brown Act violation.

**Option 2:** Individual members can request consensus under the Member Comments section of the agenda to add an item to a *future* agenda. The matter cannot be discussed at that time – the B/C/C can only decide whether to add the item to future agenda.

# Agenda Website

[www.chulavistaca.gov/boardmeetings](http://www.chulavistaca.gov/boardmeetings)

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Veterans Advisory Commission Regular Meeting (1) >

**Veterans Advisory Commission Regular Meeting** [↗](#)

Wednesday, July 19, 2023 @ 6:00 PM  
City Hall, Bldg. #C, Conference Room B-112

[Agenda Cover Page PDF](#) [↗](#)  
[Agenda HTML](#) [↗](#) | [PDF](#) [↗](#)

🔗

Veterans Advisory Commission Special Meeting (1) ▾

[View New Staff Assignments for the Veterans Advisory Commission.](#)

## 5. ACTION ITEMS

*The Item(s) listed in this section of the agenda will be considered individually by the Commission and are expected to elicit discussion and deliberation. If you wish to speak on any item, please fill out a "Request to Speak" form and submit it to the Secretary prior to the meeting or submit an electronic comment per the instructions on page one of this agenda.*

**5.1 Approval of Regular Meeting Minutes of June 16, 2021** [📎](#)

**Recommended Action: Approve the meeting minutes**

5.1 Approval of Regular Meeting Minutes of June 16, 2021 [↗](#)

**Attachments (1)** | **Public Comments (0)**

1. [Post-Meeting Minutes - VACRV\\_Jun16\\_2021 - English.pdf](#)

# Rules of Order

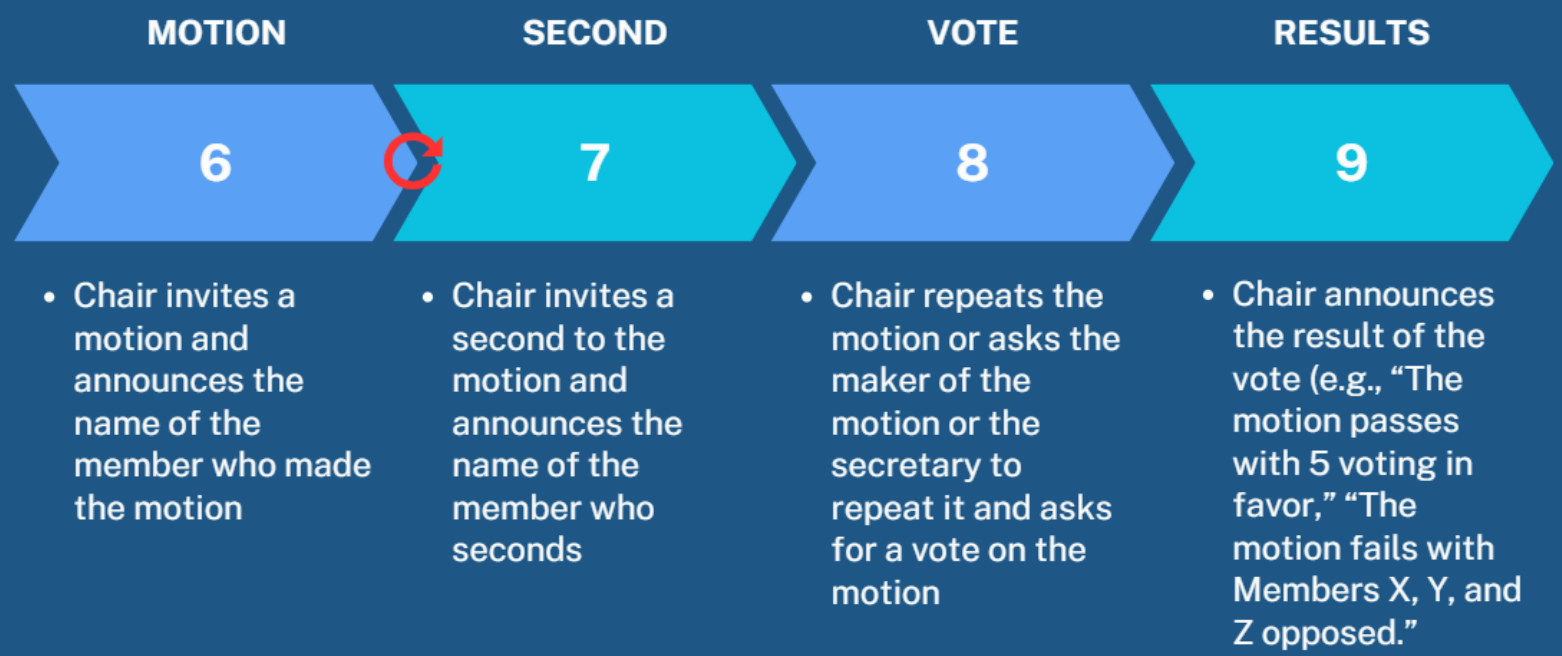
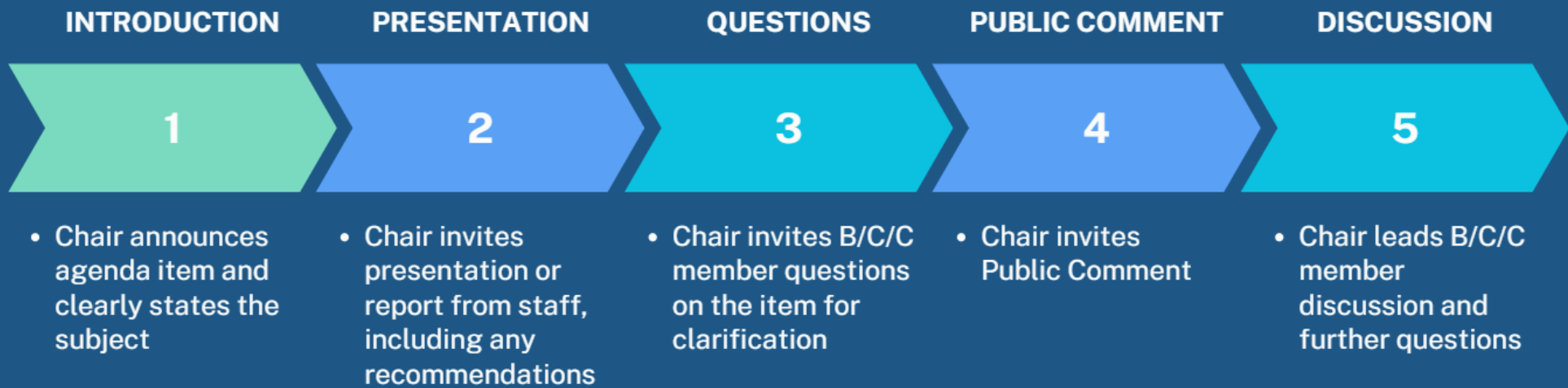
Chair leads the meeting and maintains order

Majority rules

Minority has right to be heard but must respect decision of majority

Opposition must be verbalized

When a member has the floor, do not interrupt



# Typical Process for Hearing Agenda Items

# FAQ – Meeting Procedures

▶ Q: How do I make a motion?

▶ A: Depending on the situation, the following are examples of how to make a motion, after hearing public comments and being recognized by the Chair:

▶ *"I move approval of Item 5."*

▶ *"I move to add an item to next month's agenda to discuss XYZ."*

▶ *"I move to [insert action]."*

*Be sure to make your motion clear so that the public, staff, and B/C/C know exactly what the vote pertains to. Refrain from saying "so moved" – the action can be easily misunderstood.*

# Minutes

*CVMC 2.25.230 calls for the secretary to take action minutes*

## ▶ Action Minutes INCLUDE:

- ▶ The actions (votes) that took place at the meeting
- ▶ The members who were present and absent at the meeting
- ▶ The name, city of residence, and whether they were in support or opposed to a particular item
- ▶ Confirmation of legal processes that were followed (e.g., if there was a public hearing item, there may be a statement that the hearing was held at the time in the public hearing notice)

## ▶ Action Minutes DO NOT include

- ▶ A transcript or summary of the discussions that occurred during the meeting
- ▶ A transcript or verbatim record of public speaker comments



# FAQ - Minutes

- ▶ Q: Can the B/C/C direct the staff or secretary to produce summary or verbatim minutes?
  - ▶ A: No. The form of the minutes is decided by the City Council via the Chula Vista Municipal Code. In addition, the Charter and Municipal Code prohibit B/C/Cs from directing the work of staff. The City Council minutes are also prepared in the same form.

*Many B/C/Cs have audio recordings of the meetings posted on their websites, if members or residents would like to listen to the full discussion.*

# Conflicts of Interest Recusal

- ▶ Types of conflicts
  - ▶ Financial (general, property-based, contract)
  - ▶ Common Law Bias
- ▶ Recusal
  - ▶ Should recuse oneself when there is an actual conflict or when the appearance of conflict is so great that it may taint the process
  - ▶ You were placed on the B/C/C to participate - recusal should be reserved only for conflicts and not be used solely to avoid making a decision on a matter

# RECUSAL

## Steps to Follow

- ▶ When a member has a conflict of interest, he or she must:
  - ▶ Publicly state the nature of the conflict (e.g., “I own property within 500 feet of the subject project”); and
  - ▶ Unless the item is on the Consent Calendar, he or she must leave the dais or table until consideration of the item is finished.

# Tips to Avoiding Conflicts of Interest



Review each agenda statement carefully.



If you are aware of any basis for a potential conflict on any item, contact the City Attorney in advance for advice.



Report any changes in property holdings to the secretary.



When in doubt, don't vote.

# To Vote or Not To Vote

Situation	Good Reason NOT to Vote?	Why?
The member owns a house that is next door to the project being considered.	Probably	Member likely has a conflict of interest because of the property owned within 500 -1,000 feet of the project.
The decision is very controversial, and the member doesn't want to upset anyone.	Probably Not	Members are appointed to make certain decisions, and sometimes the decisions may be uncomfortable. Members should review the materials thoroughly and consider all points carefully in order to make a thoughtful decision. Feel free to ask questions and engage in discussion during the meeting so that you can feel confident in your vote.
The issue being discussed would financially benefit the member's business.	Probably	This scenario could constitute a conflict of interest. If you're not sure, always ask!

If any question, seek advice from the City Attorney in advance.

# To Vote or Not To Vote

Situation	Good Reason NOT to Vote?	Why?
The item involves the member's own request for an excused absence	Probably not	Members can vote on their own excused absences
The member isn't sure if they have a conflict of interest	Yes	When in doubt, don't vote. Always make an effort to review materials in advance and request advice from the City Attorney.
The item is approving minutes from a meeting the member was absent	Probably not	There is no legal requirement that a member abstain from voting on minutes when they were absent. Voting to approve minutes is a ministerial action that indicates your confidence in the secretary's production of accurate minutes. You can also ask for the audio recording of a meeting you may have missed to review the meeting.

If any question, seek advice from the City Attorney in advance.

# Member Communications

- ▶ When making statements, members must ensure that:
  - ▶ Their comments are factual
  - ▶ They indicate that actions taken by the B/C/C are recommendations, with final actions to be taken by City Council, when appropriate
  - ▶ They represent themselves as private residents, unless the views or recommendations they express have been officially voted upon

*Individual members making recommendations or expressing views that have not been officially voted on must indicate they are expressing themselves as private residents, not as representatives of their B/C/C.*

# FAQ – B/C/C Duties

- ▶ Q: If there is a topic the B/C/C is passionate about and wants to discuss, but it's not part of the duties, can the B/C/C still discuss and make recommendations on the topic?
  - ▶ A: No. B/C/Cs are charged with a specific scope and duties by the City Council. If the subject matter is not within the scope of the B/C/C duties, the B/C/C doesn't have jurisdiction over the matter.
  - ▶ What you can do: pursue the matter as a private resident or include a recommendation in your annual report to the City Council that the topic be incorporated into your B/C/C's duties.



# Recommendations to Council

B/C/Cs may have topics, ideas, suggestions, and requests for direction to bring forward to the City Council. These items require majority approval of the B/C/C.

The following processes are in place to communicate with the Council:

- ▶ By July 30 each year, all B/C/Cs provide an annual report to the City Council on the previous fiscal year's activities. B/C/Cs may also make recommendations to the City Council as part of that report.
- ▶ B/C/Cs may have written reports distributed to the City Council through staff, by way of an "Informational Memorandum" to the Council, or the placement of "Written Communications" on the Council agenda.
- ▶ B/C/Cs, upon affirmative vote of a majority, may add an item to the City Council agenda.
- ▶ From time to time, the City Council holds joint meetings with B/C/Cs to discuss items requiring significant discussion.

The Ralph M.  
Brown Act  
*Cal. Govt. Code §§  
54950, et. seq.*

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## Core Principles

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Local agencies can only deliberate and take action at public meetings

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Public must be notified in advance of all meetings and matters to be considered

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Public must be given access to information and opportunity to provide input to decision-makers

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Exceptions are limited

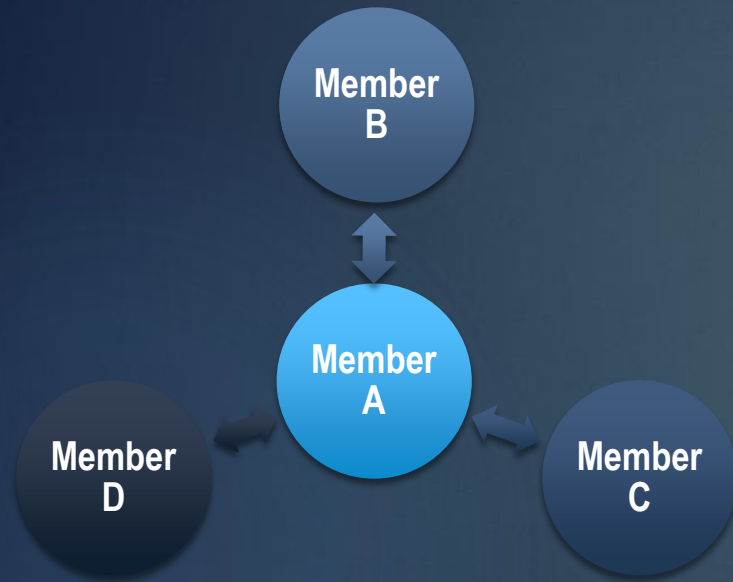
# Meeting Rules

- ▶ Cannot consider, discuss, deliberate or take action on matters not on the agenda
- ▶ Otherwise, only appropriate action is to refer item to staff and/or for consideration on a future agenda
- ▶ Brief response, question or statement is allowed
- ▶ Very limited exceptions

When in doubt, best **NOT** to act and agendize for the next meeting

# What to Avoid - Serial Meetings

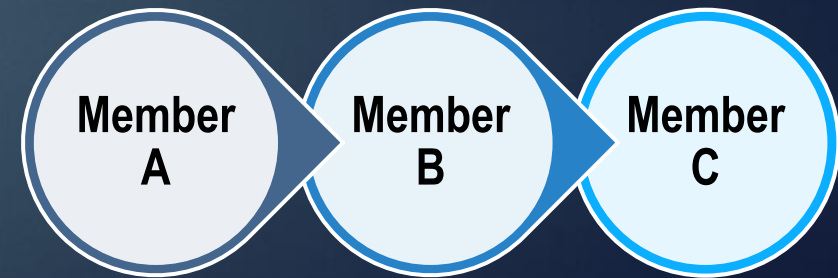
## Hub & Spoke



When a person acts as the hub of a wheel (Member A) and communicates individually with the various spokes (Members B and C) regarding a matter under the jurisdiction of the B/C/C a serial meeting may have occurred.

## Daisy Chain

A chain of communications (via phone, email, in person, etc.) involving contact from Member A to Member B, who then communicates with Member C would constitute a serial meeting in the case of a five-person body.



# Examples

Email between two members regarding their support for a project, with copies to two other members

One member to another: "I've talked with Member Z, and they think. . ."

Staff tells a member that two other members are "on board" with a pending item

# Subcommittees

- ▶ The Brown Act may or may not apply to subcommittees created by the B/C/C
- ▶ Contact City Clerk or City Attorney for direction *before* forming a subcommittee
- ▶ Formation of a subcommittee must be a noticed item on a meeting agenda before it can be created



# Rights of the Public: Attendance

- ▶ Public must be allowed to attend, observe and speak at meetings
- ▶ Cannot be required to register, or fulfill any “condition precedent” to attend; name and address can be requested, but no obligation to provide
- ▶ Allowed to record the meeting with audio or video recorder; take photographs
- ▶ Public may be critical of B/C/C in comments
- ▶ Public may not engage in conduct that disrupts a meeting. Disruption is a very high standard and literally must be to the point where the meeting cannot go on.



# Rights of the Public: Public Comment

- ▶ Regular Meeting
  - ▶ **Agenda Items:** Comment must be allowed; reasonable time limits can be adopted by local agency.
  - ▶ **Non-agenda matters:** Regular meeting agenda must provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public within its purview.
    - ▶ No action or discussion can occur
    - ▶ Can refer to staff for information; request a report back; request item be placed on future agenda
- ▶ City Council speaker time limits:
  - ▶ Agenda Items: 3 minutes
  - ▶ Non-Agenda-Item Public Comments: 3 minutes
  - ▶ Consent Calendar: 3 minutes (for any or all items on the consent calendar)
- ▶ Individuals using an interpreter are allotted twice the amount of time for public comments.



# FAQ – Public Speakers

- ▶ Q: What happens when a speaker brings up an issue that's not on the agenda?
  - ▶ The Brown Act doesn't allow discussion or action on items that are not on the agenda, but the B/C/C or staff can "briefly respond" to comments or questions, request information from staff, or place the item on a future agenda for discussion.
  - ▶ Examples of acceptable responses:
    - ▶ "I would like to request consensus of the B/C/C to add this item to the next meeting agenda. At that time, can staff please provide additional information regarding the matter?" *Discussion among the B/C/C must be limited to whether to add the matter to the agenda – no discussion of the matter brought forward can take place at that time.*
    - ▶ "Staff, do you know the answer to the speaker's question about the timing of the budget preparation?" *Staff can respond with a brief explanation of the timeline. Any further discussion about the budget or B/C/C recommendations should be added as an item on a future agenda.*

# FAQ – Public Speakers

- ▶ Q: How should the B/C/C address speakers who may be disruptive, critical of the B/C/C's or staff's work, or just plain rude?
  - ▶ A: Brown Act provisions protect the public's right to attend, observe, and participate in meetings. B/C/Cs cannot prohibit public criticism of policies, procedures, programs or services of the City or the acts or omissions of the B/C/C itself.
  - ▶ Tips:
    - ▶ The B/C/C members should always listen and make an effort to understand the concerns and statements of all public speakers.
    - ▶ A simple "Thank you for your comments. The next speaker is..." is a sufficient reply.
    - ▶ The time allotted to public speakers is an opportunity for them to voice their opinion. B/C/C members are not obligated to engage in discussion or respond to questions.
    - ▶ Members may ask follow up questions, if desired, but should be mindful of the speaker time limit to ensure all speakers have equal opportunity to speak.

## Social Media and the Brown Act

Increased risk of “serial” meetings

Emails, texts, tweets or posts during meetings deny public access to decision-making process

Using icons to react to other B/C/C members' posts may constitute a violation

# The California Public Records Act

- ▶ Intended to hold government accountable to the public – secrecy is antithetical to a democratic government
  - ▶ Gives the public access to information/records that enable them to monitor the functioning of their government
- ▶ Public record = any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of form (i.e., electronic, paper)
  - ▶ Some types of records are exempted, but legal authority is required
- ▶ Most documents the B/C/C handles are public records
  - ▶ Includes texts/emails on personal devices if they involve City business

- ▶ Q: If I've been emailing back and forth with a resident about a project that will be discussed at the next B/C/C meeting, can someone obtain that by filing a public records request?
  - ▶ Yes! Even communications on private devices and accounts can be public records that must be disclosed.
- ▶ **Best Practice:** Encourage members of the public to attend meetings and send communications through your B/C/C email address. Staff will distribute communications to the B/C/C so all members have the benefit of receiving the information. It will also be made available to the public as required by law
- ▶ **Acceptable Practice:** Copy your secretary on B/C/C communications and consider creating a separate email account for your B/C/C duties.

# Additional Duties

- ▶ **Ethics training:** Required to be completed within one year of being appointed, and every two years thereafter. The City Attorney conducts periodic trainings that you can attend in person. The FPPC offers free, online training at: <http://localethics.fppc.ca.gov/login.aspx>. Provide your certificate to [cityclerk@chulavistaca.gov](mailto:cityclerk@chulavistaca.gov).
- ▶ **Form 700 filing:** Required for some B/C/Cs. Filings are due within 30 days of assuming or leaving office, and annually on April 1.
- ▶ **Reappointments:** You will hear from the City Clerk's office shortly before the end of your term, if you are eligible to serve a second term. Please respond and let us know if you're interested in being considered for another term.

# Additional Resources

- ▶ League of California Cities Publications: [www.cacities.org/home/resources](http://www.cacities.org/home/resources)
  - ▶ "Open & Public VI: A Guide to the Ralph M. Brown Act"
  - ▶ "The People's Business: A Guide to the California Public Records Act"
- ▶ Institute for Local Government: [www.ca-ilg.org/meeting-resource-center-tools-effective-meetings](http://www.ca-ilg.org/meeting-resource-center-tools-effective-meetings)
  - ▶ "Meeting Resource Center: Tools for Effective Meetings"
- ▶ Your staff liaison and secretary
- ▶ City Attorney and City Clerk

QUESTIONS?