

AMAC Agenda - March 14, 2018 at ARTS/West

*In Attendance:* Terri Moore, Carol Patterson, Kelly Lawrence, Chelsa Morahan, Emily Beveridge, Josh Birnbaum, Lisa Eliason, Beth Braun

*I. Call to Order and legislative updates*

N/A

*II. Law Director, Lisa Eliason*

Mayor Patterson suggested offering legal training to all boards and commissions in the City, so Law Director Lisa Eliason came to discuss the Sunshine Law and Ethics.

Sunshine Law consists of two parts. Every elected official required to take training for it once during their term. We are supposed to let the “sunshine” on our meetings. If someone came in and wanted to record the meeting, we have to let them record the meeting so long as the device is silent (and we do not need to supply power).

Minutes must be promptly recorded and open for public inspection. We keep an online and offline archive of them.

For public meetings, is it a public body and is it a public meeting? AMAC is a public body: a board commission or committee or body of municipality. Sub-committees of the body would need a quorum of 2 people but are also a public body. AMAC has ad hoc committees in which visitors participate and Lisa Eliason will research it to see if it also has to be public. The Ohio Arts Council has public discussion to evaluate for grants, for example. A meeting is a pre-arranged discussion of the public business of the public body in question by a majority of its members. So what has to be public under Sunshine law? We don't want to be the subject of a lawsuit.

Executive sessions are an exception to the sunshine law. AMAC has executive sessions: it can be only at a meeting to discuss personnel matters. Proper procedure: AMAC should take a roll call vote to go into executive session. Then the public can be asked to leave. AMAC cannot take a straw poll vote or make a decision in executive session; you can only have a discussion. Then take a vote to exit executive session, open the door, and invite the public back in. At that point you adjourn the meeting.

Time and place of all regularly scheduled meetings must be given public notice (on the city website, for example). A special meeting may not be held unless at least 24 hours advance notice is given to the media.

What happens if you violate the sunshine law? Any decision that is made can then be invalidated by the court. The first time, someone can seek an injunction to invalidate the action. The elected official or the body will have a strike against them. Second violation is removal from office. Round robin — going from one person to another rather than meeting as a group — is not allowed. If you are passing private notes, that could be a violation of sunshine law (modern day version of this would be texting).

Members can attend conferences together. Sometimes emails can be violations and sometimes not: if we are discussing public business over email that can be dangerous. All those emails are public records.

Public records are records kept by a public office or commission. Any doubt is

typically resolved in favor of transparency. We must give public access to public records. If in doubt, we can ask legal director to conduct a review of records.

Emails and texts can be considered public record if discussing public business. Don't put anything in an email that you wouldn't want to see on the front page of the newspaper! Do we have a records retention schedule? Arts, Parks and Recreation department has one. A poster should be at each site in a public place (on wall or in window) explaining the policy, i.e.: how to get a public record. You can charge 5 cents per page for a records request. Voicemails are public records and can be deleted when they are of no more administrative value.

Ethics Law: Ethics commission was created in 1973. Violation of policies is a misdemeanor, and nepotism is a felony. Conflict of interest: when objective decision-making is impaired by his/her own interests, those of family members, or those of business associates. If conflict of interest comes up, member must recuse themselves from discussion and decision-making. Cannot except gifts—nothing of substantial value. Gifts over \$75 must be disclosed. Does it have a substantial influence on the public official or their duties? Promotional gifts are fine. Is there an appearance of impropriety? A city or organization can accept a gift, but an individual cannot.

There is a lifetime prohibition on the disclosure of confidential information. No nepotism: it's a felony. Most citations come through an audit, but sometimes a citizen brings it up.

As far as photographing public art, our contracts stipulate that artists give their rights to the city. We can consult Lisa Eliason for further questions.

### *III. Continuing Business*

#### *A. Summer Activity – Scott and Kelly*

Scott Winland and Kelly Lawrence have been talking to other businesses on Union Street and more are interested. They worked out a deal with Stuart's Opera House to use their liquor license to sell Jackie O's beer. It will be part of their fundraising. Biggest hurdle is that there is no budget yet because stage needs to be reserved.

#### *B. Poet Laureate*

Confirmed by Council on February 19. Introductory reading at ARTS/West on April 26 at 7:00 p.m. Cost for printing of fliers to be submitted to AMAC. The printing will cost \$26. City Safety Director said AMAC has the ability to designate money for costs like this. MOTION: AMAC DESIGNATE CITY FUNDS FOR POSTER PRINTING - PASSED.

#### *C. Kroger Mural – Chelsa*

The new general manager, Jared Soto, was supposed to contact AMAC commissioner Chelsa. She contacted Kroger again and has not heard back from the general manager. AMAC is wondering about the possibility of getting support from Kroger for a mural, like the one in Lancaster. Chelsa will continue reaching out.

*IV. New Business - Terri Moore, Introduce Barry O'Keefe mural proposal discussion.*

Barry O'Keefe will be an OU Summer Visiting Artist. He is proposing two summer sessions with high school students this summer and have them do a mural project at the skate park. It will be visible to the bike path. It will be at no expense to the City and Mayor Patterson purportedly supports it. He will be working with 6-8 high school students.

It is encouraged that the students attend an AMAC meeting and present to council to learn the public art procedure. O'Keefe's work is well-known in the community, in Holzer, at the School of Music, at Seigfred, and in Nelsonville. AMAC wants to know what his image will be? How will they determine what the mural will be? Can AMAC be a part of that process? First session is June 17-23 of this year.

What if people are outraged? Can we arrange workshops ahead of time with Jolena at ARTS/West? At the very least, we should have them meet with an ad hoc committee to make sure their mural is acceptable. It is an in-residence camp. This is part of the Fine Arts Dean's new initiative to have camps for every art discipline in the community. Why did they not choose Ohio University property to paint this mural? The commission feels like it is a lot to ask to make a permanent installation in a city space in such a short time. Does AMAC want to consider at some point a mural wall like they have at OU? These kids are from other communities. Does Athens have programs for local kids to do mural projects and other arts programming? Yes, but chances for teens are limited.

*V. Election of officers. Slate: Chair – Carol Patterson, Vice Chair – Beth Braun, Secretary – Josh Birnbaum*

MOTION TO ACCEPT SLATE - PASSED

*VI. New RFPs / Projects*

*A. Sculpture Park at Armory.*

Not discussed.

*B. Mural for Waste Water Treatment Facility*

Beth wants more info but can help.

*C. Alley art and street music*

Kelly will make sure this is moving forward.

*VII. Minutes of February meeting*

MOTION TO ACCEPT - PASSED

*VIII. Announcements and other business*

N/A

*IX. Adjournment*

Next Meeting: Wednesday, April 11, 2018