

**NOTICE OF MEETING
REGULAR MEETING AGENDA**

- 1. CALL TO ORDER**
- 2. AGENDA APPROVAL**
- 3. PUBLIC COMMENT UPON MATTERS ALREADY ON THE AGENDA**
- 4. VISITORS (10 minute presentation, 5 minutes Q&A)**
- 5. RECONSIDERATION**
- 6. ADOPTION OF CONSENT AGENDA** *All items on the consent agenda are considered routine and non-controversial by the Parks Art Recreation & Culture Advisory Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.*
 - A. Minutes from January 17, 2019 Regular Meeting **Page 3**
- 7. STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORT (20 minute limit)**
 - A. Staff Report – Julie Engebretsen, Deputy City Planner **Page 11**
 - B. Community Recreation – Mike Illg, Recreation Manager
 - C. Parks Report – Matt Steffy, Parks Maintenance Coordinator
- 8. PUBLIC HEARING**
- 9. PENDING BUSINESS (10 minutes)**
- 10. NEW BUSINESS (10 minutes per item)**
 - A. Bylaws Amendments and Review **Page 19**
 - B. Letter to the Editor
- 9. INFORMATIONAL MATERIALS**
 - A. Commission Annual Calendar 2019 **Page 41**
 - B. Commissioner Attendance at City Council Meetings 2019 **Page 43**
- 10. COMMENTS OF THE AUDIENCE**
- 11. COMMENTS OF THE COUNCILMEMBER** (If one has been assigned)
- 12. COMMENTS OF STAFF MEMBERS**
- 13. COMMENTS OF THE COMMISSION**
- 14. COMMENTS OF THE CHAIR**
- 15. ADJOURNMENT** the next regular meeting will be on **THURSDAY, APRIL 18, 2019** at 5:30pm in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer Alaska

Session 19-01 A Regular Meeting of the Parks, Art, Recreation and Culture Advisory Commission was called to order on January 17, 2019 at 5:31 pm by Chair Ingrid Harrauld at the Cowles Council Chambers City Hall located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS LEWIS, FAIR, HARRALD, ARCHIBALD, ASHMUN, AND SALZMANN

TELEPHONIC: COMMISSIONER SHARP

ABSENT: COMMISSIONERS LONEY, ROEDL (EXCUSED)

STAFF: DEPUTY CITY PLANNER ENGBRETSSEN
RECREATION MANAGER ILLG
DEPUTY CITY CLERK KRAUSE

APPROVAL OF THE AGENDA

Chair Harrauld called for a motion to approve the agenda.

LEWIS/ARCHIBALD – MOVED TO APPROVE THE AGENDA.

There was a no discussion.

VOTE. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

VISITORS

Dave Brann and Milli Martin, Kachemak Bay Rotary – Winter Parks Celebration, Ben Walters Park

Mr. Brann and Ms. Martin spoke to the Commission on the intent of the Rotary to Co-Host the Winter Parks celebration with an Ice Skating Party on February 8, 2019 in conjunction with the Winter Carnival Event. He outlined the planning details to date and stated that they require volunteers for set-up and break down and for help during the event plus monetary support would be appreciated to cover the cost of hotdogs, marshmallows and supplies.

A brief question and answer period on the age limit for volunteers, ice skates for use being donated for the event, possible maintenance of the ice and decision to leave it to nature, ice thickness, and parking options ensued.

The Commission and Rotary were excited to hold the event and celebrate the joint efforts

RECONSIDERATION

ADOPTION OF THE CONSENT AGENDA

A. Minutes for the Regular Meeting on November 15, 2018

Chair Harrald requested a motion to approve the Consent Agenda.

LEWIS/SALZMANN – MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORTS

A. Staff Report - Julie Engebretsen, Deputy City Planner

Deputy City Planner Engebretsen noted her report in the packet and then proceeded to announce the upcoming public meeting on the HERC report that will be on Tuesday, January 22, 2019 between 4-5:30 pm in Council Chambers. She provided a little input on what the purpose of the public forum is to provide the public with an update and have the members of the task force provide information on how they reached their recommendations to Council.

Ms. Engebretsen noted that a resolution will be on the agenda for the Council approval on their next steps for the HERC.

B. Community Recreation – Mike Illg, Recreation Manager

Recreation Manager Illg thanked Dave Brann and Milli Martin for attending the meeting and for Rotary's efforts and work at Ben Walters Park. He then commented that the commission's focus should not overlook recreation programming.

Mr. Illg then followed up with the upcoming events for the next six months. He noted the following events:

- Telluride Film Festival – January 18-19, 2019
- Native Youth Olympics Event – Stated January 8, 2019 for grades 1-12
 - o Alaskan High Kick, Wrist Carry, Arm Pull, Two-Foot
 - o High Kick, Indian Stick Pull, Seal Hop, Eskimo Stick
 - o Pull, Scissor Broad Jump, Kneel Jump, One- Hand
 - o Reach and One-Foot High Kick
- Youth Basketball
- Intro to Youth Wrestling
- Popeye Wrestling
 - o Tournament will be March 15-16, 2019
- Youth Fair April 27, 2019
- Summer Dance Intensive is being developed
- Pickleball Tournament in June
- Adult Basketball February 1-18, 2019 at Homer High School

Mr. Illg then explained that they are able to accept donations and he is looking into using the funds to create a Scholarship that will be able to provide youth with the necessary equipment as he believes that

financial reasons should not prohibit children from participation in any sports or activities that they have a desire to do.

Mr. Illg responded to commissioners questions on the some of the details of the Native Youth Olympics event.

Mr. Illg expressed concerns on the third party management of the HERC facility and that Community recreation would have to pay to lease the space or even eventually be pushed out altogether and the space offered by the use of the HERC for the Community Recreation program is very vital to the expansion and continuation of recreational programming. He believes that the community needs to address more affordable, accessible options for youth touching on the opioid crisis as one of the main drivers. He then noted the increase in situations of mental health such as suicide, the issues with staffing, and volunteers.

Commissioner Salzmann commented on the discussions held by the students at the High School level with regards to the mental health issues being experienced in the community.

Chair Harrauld expressed her excitement at the idea of conducting the Native Youth Olympics and has a group that is very interested at school, she noted the direction of implementing less medication and encouraging more activity, movement and exercise. She is interested in ways that the commission can support Community recreation and Mr. Illg.

Mr. Illg responded that awareness, involvements, social media is helpful, staffing and space are the prime issues.

Deputy City Planner Engebretsen responded to Chair Harrauld in regards to the studies on the pros and cons of third party management and in response to Mr. Illg's concerns.

D. Parks Report - Matt Steffy, Parks Maintenance Coordinator

Parks Maintenance Coordinator Steffy submitted a written report for review by the Commission. He was unable to attend the meeting. There was a brief comment from the Commission on the intent to place additional port-a-potties on the Spit Trail.

PUBLIC HEARING

PENDING BUSINESS

A. Winter Parks & Recreation Celebration - Ben Walters Park

Chair Harrauld introduced the item into the record and invited input from the commission.

Deputy City Planner Engebretsen noted the information provided by Mr. Brann and that the Commission needs to make a motion to purchase supplies and advertising and that they need volunteers to tend the fire and for the set-up and clean up as requested by the Rotary.

LEWIS/ARCHIBALD MOVED TO EXPEND UP TO \$150.00 FOR FOOD AND SUPPLIES WITH A PREFERENCE FOR COMPOSTABLE PRODUCTS AND EXPENDING \$150.00 FOR ADVERTISING.

Clarification of the date as Friday, February 8, 2019 and that there was no left over supplies from a previous event that was held at Karen Hornaday Park was provided by Deputy City Planner Engebretsen in response to questions from the Commission.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

A. Review of Draft Request for Proposals – 1% for Art for the Homer Police Station Project

Chair Harrauld introduced the item by reading of the title into the record and invited input from staff.

Deputy City Planner Engebretsen commented that she was turning the floor over to Deputy City Clerk Krause for anything 1% art related.

Deputy City Clerk Krause reviewed her memorandum for the Commission and requested recommendations for any amendments or corrections to the draft request for proposals. She explained that advertising the request now while the design is in process will allow for the use of construction dollars to supplement the art dollars. It is the intent to solicit for as many pieces of art as they can get for the budget allocated for the project, further explain that most of the art locations are exterior.

Deputy City Planner Engebretsen proceeded to point out the various locations using the conceptual drawings on possible placement of exterior art. She noted the vehicle storage shed along Heath Street which would allow a possible mural location or location for architectural feature; grassy area where a flag pole and benches can be located also there will be a raingarden in the upper north east corner and could add a focal interest to the location.

Deputy City Clerk Krause proceeded to outline a suggestion or idea to break up the flat roofline so the project is not so boxy that was submitted from a Councilmember who stated he was going to be present but had not arrived at this time.

Deputy City Clerk Krause responded to questions from the Commission and provided information on the following:

- The exterior design is fairly determined at this point and will probably not change but depending on various factors it could be modified between 35% to 95% design.
- Amendments to the proposal to address locations of art was left open to encourage as many proposals as possible.
- Recommendations to the Selection Committee will be submitted to Council for appointment and the Selection Committee will not serve until April and the Memorandum can be generic in the sense that it can be stated as a member of the blank organization

Deputy City Planner Engebretsen explained that there was to be a public open house on the project. This project is a design build project and due to the nature of the building there is not a “what do you like, not like” and at this point there is not going to be a design change such as the sally port location. There was a lot of thought and consideration on the siding to bring the cost down. If City Council has a problem with this project with the design they will have to throw more money at it. Public Art may be a

chance to make this project more than a box.

There was a brief discussion on using artistic enhancement to improve the appearance of the box and that no limits should be placed.

Chair Harrauld inquired if there was any amendments to the RFP that the Commission wanted to make or approve it as written.

ASHMUN/LEWIS MOVED TO ACCEPT AND APPROVE THE REQUEST FOR PROPOSAL AND ADVERTISE AS WRITTEN.

Discussion on the opportunity to place art on the inside of the building anytime in the future and the exterior offers more options and opportunities that artists will be interested in to enhance to box, allow the process and the Selection Committee to do their evaluations and will make the decisions during selection process. It was suggested to put an emphasis on the exterior rather than the interior in the RFP. It was further noted that for the most part the general public does not visit as much as drive by the building. If they leave it as is and if the Committee does not like any of the submittals they might end up re-advertising.

Further discussion included comments on previously issued RFPs for art on prior projects.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Recommendation to Council for Appointments to the Art Selection Committee

Chair Harrauld introduced the item by reading the title into the record and requested input from Staff.

Deputy City Clerk Krause referred to her memorandum in the packet. She explained that Mr. Meyer and the Project Manager will be staff for the Committee. He will not be part of the committee.

Commissioner Ashmun said that the decision they need to make is who from the Commission will be on this Selection committee and then what organization or artist.

Commissioner Sharp and Fair volunteered for the committee.

LEWIS/ARCHIBALD MOVED TO APPOINT COMMISSIONERS SHARP AND FAIR THE ART SELECTION COMMITTEE FOR THE POLICE STATION PROJECT.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was a brief discussion on the artist or organization.

ARCHIBALD/ LEWIS MOVED THAT STAFF CONTACT THE HOMER ARTS & CULTURAL ALLIANCE FOR A RECOMMENDATION ON A REPRESENTATIVE FOR THE ART SELECTION COMMITTEE.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LEWIS/SALZMANN MOVED TO RECOMMEND COUNCIL APPOINT THE FOLLOWING TO THE 1% ART SELECTION COMMITTEE FOR THE HOMER POLICE STATION PROJECT:

- MARK ROBL, CHIEF OF POLICE OR HIS DESIGNEE
- POLICE PERSONNEL – OFFICER OR DISPATCHER
- MEMBER OF STANTEC OR ARCHITECTURAL DESIGN
- COMMISSIONERS SHARP AND FAIR
- PARKS MAINTENANCE COORDINATOR

AND A REPRESENTATIVE OF THE HOMER ARTS AND CUTURAL ALLIANCE WITH CAREY MEYER, PUBLIC WORKS DIRECTOR AND PAT MCNARY, PROJECT MANAGER AS STAFF.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. Approval and Recommendation to Accept the Donation of a Park Bench

Chair Harrauld read the title into the record and reviewed the staff memorandum included in the packet.

Commissioner Salzmnn departed the meeting at 6:49 p.m.

There was a brief discussion on the construction of the bench and if there was so much process needed to accept a park bench.

ASHMUN/LEWIS MOVE TO RECOMMEND CITY COUNCIL ACCEPT THE DONATION OF A PARK BENCH AND OR THE FUNDS TO PURCHASE A WOODEN SLAT BENCH OR SIMILAR CONSTRUCTION NOT TO EXCEED \$500 IN MEMORY OF JOHNNIE AND ANNIE FLOOD AND PLACE IN A PARK OR DESIRED LOCATION AT THE DISCRETION OF PARK STAFF.

Chair Harrauld commented that she felt really good about this donation and hoped that she could be remembered in such a way one day.

Commissioner Sharp stated that he would be interested in having the kids at school building the bench and they could build a “really sweet bench” for \$500.

Commissioner Fair commented he thought that would be a really good idea to have Commissioner Sharp’s students build the bench.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Deputy City Clerk Krause will contact Ms. Evans on the idea and forward Commissioner Sharp's contact information if she is agreeable.¹

INFORMATIONAL MATERIALS

A. Commission Annual Calendar 2019

Commissioner Fair requested clarification on the Letter to the Editor draft/due dates.

Deputy City Planner Engebretsen explained that usually the Commission does not have a lot going on in the first of the year and whatever Commissioner Fair wanted to provide them they will accept.

B. Commissioner Attendance at City Council Meetings 2019

Commissioner Lewis volunteered for January 28, 2019

Commissioner Sharp volunteered to attend the February 11th meeting and will report on the Winter Celebration event at Ben Walters Park.

C. Resolution 18-094, 2019 Advisory Bodies and City Council Meeting Schedules

There was a brief review of the meetings scheduled by Chair Harrauld.

Commissioner Archibald commented on the November meeting being canceled by the Commission due to AML/AAMC conference week and since they had scheduled a January meeting.

Deputy City Clerk Krause stated that it would be fine the meeting change was overlooked when drafting the memorandum but the Commission can still cancel that meeting.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE COUNCILMEMBER

Councilmember Heath Smith thanked the Commissioners for their time and talents. He commented that since the Station is across the street from the grandest building in town the building may not garner any attention at all. They are really constrained by the budget and he was not happy with the flat roof and any direction to enhance the outside of the building and reduce the block/square appearance will be greatly appreciated. He is not sure what could be done as he is no artist but he is hoping that the proposals that are received will be help.

COMMENTS OF THE CITY STAFF

¹ Deputy City Clerk Krause contacted Ms. Evans and she was very interested in having the bench constructed by local students and was provided Commissioner Sharp's contact information.

Deputy City Planner Engebretsen had no comments.

Deputy City Clerk Krause expressed it was a good meeting.

COMMENTS OF THE COMMISSION

Commissioner Lewis, Fair and Ashmun had no additional comments.

Commissioner Archibald commented that he is more of a traditional art guy and hoped that it would stay in the context of this town.

Commissioner Sharp commented on the mental health issues in the town with regard with the kids having nothing to do and if there is anything that the Commission can do or recommend to Council to make facilities available in town for the kids. He also commented on the communities in the bush focus on the sports and they would fundraise for the airplane rides and things. He supported the use of school district facilities for the kids.

COMMENTS OF THE CHAIR

Chair Harrald commented that it was really nice to see Robert Archibald recognized for all the work he does and that they are so lucky to have him in this community. She then congratulated Jon for his new daughter and thanked him for attending the meeting even if over the airways.

Chair Harrald thanked Councilmember Smith for attending the meeting they do not normally have a member of Council attend the meetings. She echoed Commissioner Sharp's sentiments on the Community Rec programs and that they do see a lot working within the schools and anything they can do to keep the kids involved in good things over the bad they need to support.

ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 7:15 p.m. The next regular meeting is scheduled for **THURSDAY, FEBRUARY 21, 2019** at 5:30 p.m. at City Hall Cowles Council Chambers 491 E. Pioneer Avenue, Homer, Alaska.

RENEE KRAUSE, MMC, DEPUTY CITY CLERK

Approved:_____



City of Homer

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Planning

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To: Parks, Art, Recreation and Culture Advisory Commission
From: Julie Engebretsen, Deputy City Planner
Date: March 12, 2019
Subject: March staff report

1. Congratulations to Avram Salzman, one of two Alaska students named to the US Senate Youth Program!
2. Skate party at Ben Walters Park was a success!
3. Police station 1% for Art Request for Proposals is open and accepting proposals until Thursday, April 4th.
4. Seafarers Memorial Parking Lot expansion – still no application or plans submitted.
5. The EDC made a presentation to the City Council on Wayfinding. You can see a copy of the presentation on the City Council 2/25/19 meeting page, or attend a presentation at the Homer Advisory Planning Commission, 5:30 pm Cowles Council Chambers, on Wednesday April 17th.
6. I continue to represent the City in the Kachemak Bay/Fox River Flats Critical Habitat Area Plan Update. Recent meeting topics included fuel/hazardous material storage and hatcheries.
7. KHornaday park project – I have spoken with the Public Works Director about when the parking lot/speed bumps are planned for installation at Hornaday Park. Nothing is scheduled yet but the improvements are funded for completion this year.
8. The City's updated Comprehensive Plan was recently adopted by the Borough. I have a copy for the Commission – borrow it if you want to research something and just return it when you are done! It is also on the Planning Department website. Attached to this report is the implementation table relating to Parks and Recreation.
9. Woodard Park: This plat has not yet recorded, so the property lines have not changed. The Commission/staff had talked about having an event at the same time that the Pratt Museum reopens. I suggest postponing anything official until the plat is recorded.
10. Quiet Creek Park: I have learned something new! The plat did not give the City title to the park properties. There must also be a quit claim deed. I'm working with the developer to resolve the issue.
11. HERC Building: See attachments for recent activities and a resolution from City Council.

Attachments

1. Comprehensive Plan Table
2. Resolution 19-014 HERC

Project	Timeframe			Primary Duty
	Near Term	Mid Term	Longer Term	
Parks and Recreation				
I-E-1 Research the year-round and seasonal staff needs to maintain and operate city park facilities and programs. Increase staffing and volunteer involvement as needed to provide basic City services.	x			City
I-E-2 Expand and promote the “adopt-a-park” program in which local businesses, service organizations, or youth groups care for a particular park.	x			City
I-E-3 Establish a park endowment fund through the City or in partnership with the Homer Foundation.	x			City
I-E-4 Conduct a cost benefit analysis on creating a unified Parks and Recreation Department that combines the Community Recreation and Parks Maintenance Division.	x			City
I-E-5 Maintain a balance between natural and manicured park development.	x			City
I-E-6 Create structure for public/private partnership grants for operations.	x			City
I-E-7 Partner with other organizations to continue providing programs and facilities.	x			City
I-E-8 Continue to work with the school district and borough to maintain and expand the partnership for community use of their infrastructure for recreational purposes.	x			City
I-E-9 Every 5-10 years, assess whether available park and recreation facilities and programs are meeting demands, from inside and outside city limits.		x		PARC Commission
I-E-10 Pursue financial strategies that leverage City tax dollars to build public recreation facilities.			x	City
I-E-11 Use the Capital Improvement Plan, city budget, bond measures and partnerships with other organizations (such as Little League) to lobby, fundraise and build public recreation facilities.			x	City
I-E-12 Establish Community Recreation Center; define what is needed as part of this facility, what gap it will fill, what purpose it will serve, and how operations and maintenance will be funded.		x		City
I-E-13 Support the policies and recommendations of the Beach Policy document.	x			City
I-E-14 As the need arises, update the beach policy and implement the recommendations.		x		City
I-E-15 Discourage right-of-way and public access easement vacations to the beach.	x			City
I-E-16 When opportunities arise, enhance or improve public access to the beach at public access points.		x		City

**CITY OF HOMER
HOMER, ALASKA**

Erickson/ Aderhold

RESOLUTION 19-014

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, ISSUING
A REQUEST FOR PROPOSAL (RFP) TO MANAGE, LEASE AND
RENOVATE THE HOMER EDUCATION AND RECREATION COMPLEX
(HERC 1).

WHEREAS, The City passed Resolution 19-006(A) on January 28, 2019 issuing a request for
letters of interest for tenants to occupy the Homer Education and Recreation Complex (HERC1);
and

WHEREAS, The City received four (4) letters of interest from the Bunnell Streets Art Center,
City of Homer Community Recreation Program, Fireweed Academy, and K-Bay Martial Athletics
detailing the City's Community Recreation detailing their prospective space needs, use, rent,
lease term and capital improvement needs and overall demonstrating a current demand for use
of HERC 1; and

WHEREAS, The Homer City Council held a work session February 25, 2019 to discuss the
four letters of interest and next steps listed in Resolution 19-006(A); and

WHEREAS, Resolution 19-006(A) further directed Council to develop a Request for Proposal
for a third party to manage and lease HERC 1, including performing any necessary improvements
required for occupancy; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska hereby
authorizes the City Manager to issue a Request for Proposal (RFP) for a third party to manage and
lease HERC 1.

BE IT FURTHER RESOLVED that a successful proposal will include:

- Experience in long-term property management and relevant examples
- Intended use of the property with preference given to proposed uses that are educational and/or recreational in nature;
- Intended management structure
- How much the proposer is willing to invest in capital improvements to the HERC 1 to bring it up to code from its current condition for intended use as determined by the State Fire Marshall;
- Any improvements or financial support the City would need to provide for the renovation, operation, and maintenance of HERC 1.

- How the City of Homer Community Recreation Program will be incorporated as a tenant;
- How much the proposer is willing to pay to lease the facility from the City on an annual basis;
- A lease term of that ranges from a minimum of 10 years to at maximum of 20 years with the possibility of two five (5) year options to extend.
- Expressed interest in either maintaining or not maintaining the surrounding grounds, including the skate park.

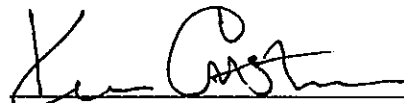
BE IT FURTHER RESOLVED that the successful proposer will be expected to cover operations and maintenance of HERC 1 and the surrounding grounds, including the skate park and plowing/sanding of both the upper and lower parking lot during the term of the lease (see exhibit A).

BE IT FURTHER RESOLVED that HERC 2 is excluded from the lease and that parking in front of HERC 2 will be reserved for City vehicles. However, should the City vacate HERC 2 and it become available for lease, the successful proposer will have first right of refusal to expand their lease to include HERC 2.

BE IT FURTHER RESOLVED that the RFP review committee will consist of a combination of City staff and professionals who have specialized experience in large structure renovations and construction, valuations, operations and maintenance.

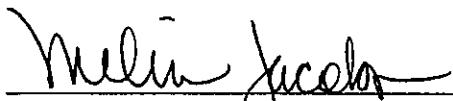
PASSED AND ADOPTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 11th day of March, 2019.

CITY OF HOMER

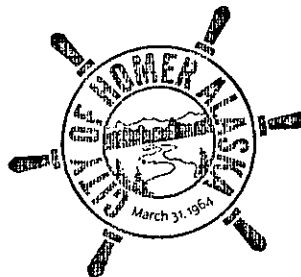


KEN CASTNER, MAYOR

ATTEST:



MELISSA JACOBSEN, MMC, CITY CLERK



Fiscal Note: Advertising Costs

Exhibit A



Vicinity Map

0 50 100 200
Feet

450 Sterling Highway
2016 Photo; property lines not exact.
Map created 3/6/2019 COH P&Z



Memorandum

TO: PARKS, ART, RECREATION & CULTURE ADVISORY COMMISSION

FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK

DATE: MARCH 11, 2019

SUBJECT: BYLAW AMENDMENTS

The City Clerk's Office is in the process of standardizing the layout/general contents of bylaws for each City advisory body. All the advisory bodies shall review the amendments for approval and make any additional changes. Second review of the proposed amendments will occur at the Commission's next regular meeting before being submitted to City Council for final approval.

The main proposed amendments from the City Clerk's Office include:

- Creating a standardized layout of information and removing excess verbiage related to conducting a meeting that does not necessarily need to be detailed in bylaws since they are outlined elsewhere (such as in City Code or the City's Basic Guide to Robert's Rules).
- Stating the City code the Commission operates from.
- Stating the purpose of the Commission per the duties and responsibilities listed in City Code.
- Including verbiage on consecutive unexcused absences and the conduct for addressing them.
- Clarifying the verbiage on which rules of law the Commission abides by.
- Including verbiage on the creation and purposes of committees.
- Clarifying that the quorum of members must be physically present.

I encourage all Commissioners to review the draft bylaws and consider any changes you may like to see. Please keep in mind that the purpose of the bylaws is to outline the Commission's internal operations that govern the proper and orderly discharge of its responsibilities. Some areas that are common to change include:

- Which months to hold regular meetings
- Meeting start times
- Persons appointed as non-voting, consulting members (such as a Council member)
- Any term specifications for student representatives
- Designating certain months to review a specific topic, such as budget, goals, policies, etc. under Article IV, Section 4.

PLEASE NOTE: That the Policies and Procedures included in the previously approved Bylaws will be retained but kept as a separate document of the Commission. This will be another document to be reviewed and updated periodically by the Commission.

More significant changes, such as changing the appointment renewal month or designating a councilmember to the commission, may require amendments to City Code and/or City Attorney review.

RECOMMENDATION

Review the draft bylaws; make any recommended amendments by way of motion. Make a motion to hold a final reading on the Proposed Bylaw Amendments at the next regular meeting.

CITY OF HOMER PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION BYLAWS

~~The Commission is established to act in an advisory capacity to the City Manager and the City Council on the problems and development of parks and recreation facilities; public beaches and trails; support of the arts; acquisition, maintenance and disposition of works of art; land use and future development related to parks and recreation facilities and administration of the public arts fund established by HCC 18.07.090 and those duties and powers as set forth in Chapter 2.60 of the Homer City Code~~

~~The Commission's jurisdiction is limited to the area within the city boundaries except for those extra territorial interests, such as trails and city properties, subject to city jurisdiction.~~

~~The Commission consists of nine members; up to three members may be residents from outside the city limits, preference shall be given to City resident applicants.~~

~~Members will be appointed by the Mayor for three year terms (except to complete terms) subject to confirmation by the City Council.~~

~~One Homer area High School student selected by his or her student body can serve as a consulting member of the Commission in addition to the nine appointed members, and may attend and participate in all meetings as a consultant, but shall have no vote.~~

~~There will be regular monthly meetings February through June and August through November of the Commission and permanent records or minutes shall be kept of the proceedings. The minutes will record the vote of each member upon every question. Every decision shall be filed in the office of the City Clerk and shall be public record open to inspection.~~

HISTORY

~~The By laws were passed by the Commission on August 18, 2016 and approved by the City Council on September 12, 2016, and shall be in effect and govern the procedures of the Commission.~~

~~The duties and responsibilities of the Commission are:~~

~~A. Act in advisory capacity to the City Manager and the City Council on matters involving:~~

- ~~_____ 1. City parks~~
- ~~_____ 2. Recreation facilities~~
- ~~_____ 3. Public beaches and trails~~
- ~~_____ 4. Support of the arts~~
- ~~_____ 5. Acquisition, maintenance and disposition of works of art~~
- ~~_____ 6. Land use and future development related to parks and recreation facilities~~
- ~~_____ 7. The administration of the public arts fund established by HCC 18.07.090~~

~~B. Consider any specific proposal, problem or project as directed by the City Council.~~

~~C. Perform the functions prescribed in HCC Chapter 18.07 related to funding works of art in public spaces.~~

~~D. Further development and awareness of the arts in the City.~~

~~E. Solicit donations of money and property in support of its duties under this section. Donations of money to be deposited into separate fund designated for parks, art, recreation or cultural purposes. Donations of property shall be accepted by deed or other conveyance subject to the approval of the City Council and shall be held or disposed of for parks, art, recreation or cultural purposes as the Council may direct.~~

~~The Commission may make recommendations to the Council for the disposition of money or property so received.~~

BY-LAWS

ARTICLE I – NAME AND AUTHORIZATION

This organization shall be called the Parks, Art, Recreation and Culture Advisory Commission, established via Ordinance 16-22, existing by virtue of the provisions of Chapter 2.60 and Chapter 18.07 of the Homer Municipal Code, and exercising the powers and authority and assuming the responsibilities delegated under said Code. The following bylaws were adopted on April XX, 2019 and shall be in effect and govern the procedures of the Parks, Art, Recreation and Culture Advisory Commission.

ARTICLE II – PURPOSE

Section 1. Act in an advisory capacity to the City Manager and the City Council on the problems and development of the following:

- **City Parks**
- **Recreation Facilities**
- **Public Beaches and Trails**
- **Support of the Arts**
- **Acquisition, maintenance and disposition of works of art**
- **Land Use and Future Development related to Parks and Recreation Facilities**
- **Administration of the Public Arts Fund**

Section 2. Perform the functions as outlined in Homer City Code Chapter 18.07 Funds for Works of Art in Public Places.

Section 3. Direct recommendations to the City Council directly or through the City Manager via memorandum from the Parks, Art, Recreation and Culture Advisory Commission.

Section 4. Consider any specific proposal, problem or project as directed by the City Council and any report or recommendations thereon shall be made directly to the Council, unless otherwise directed by the Council.

Section 5. Solicit donations of money and or property in support of the commission purpose.

Section 6. Make recommendations to Council for the disposition of money or property donated.

ARTICLE III – MEMBERS

Section 1. The Commission will be composed of nine members, comprised of at least six (6) members that reside inside city limits, who shall be appointed by the Mayor and confirmed by the City Council,

Section 2. One (1) Homer area high school Student Representative may be appointed by the Mayor, subject to confirmation by the City Council, as consulting, non-voting member.

Section 3. The Mayor, City Manager, Public Works Director or City Planner may serve as non-voting, consulting members of the Commission.

Section 4. ~~1.~~ A Commission appointment is vacated under the following conditions and upon the declaration of vacancy by the Commission. ~~2.~~The Commission shall declare a vacancy when the person appointed:

- Fails to qualify to take office within 30 days after his/her **their** appointment;
- ~~B.~~ Resigns and the resignation is accepted;
- ~~C.~~ Is physically or mentally unable to perform the duties of his/her **their** office;
- ~~D.~~ Misses ~~three~~ **two (2)** consecutive regular meetings ~~without notice~~ unless excused; ~~or~~
- ~~E.~~ Is convicted of a felony.

ARTICLE IV – OFFICERS

Section 1. A Chair and Vice-Chair shall be selected **elected** annually ~~(November meeting)~~ by the ~~appointive members~~ **from and by the voting members of the Commission.**

Section 2. The Chair shall preside at all meetings of the Commission, **authorize** calls for any special meetings in accordance with the by-laws, sign **execute all** documents **authorized by** of the Commission, **serve as ex officio/voting member of all committees, and generally perform all duties associated with that office.** ~~see that all actions and notices are properly taken, and summarize the findings of the Commission for the official record.~~

Section 3. The Vice-Chair shall perform all duties and be subject to all responsibilities of the Chair in his/her **their** absence, disability or disqualification of office. **In the event that both Chair and Vice Chair are absent, and a quorum of five (5) members are present, the senior member shall assume and perform the duties and functions of the Chair.**

Section 4. The Vice-Chair will succeed the Chair if he/she vacates the office **is vacated** before the term is completed, to complete the unexpired term. A new Vice-Chair shall be elected at the next regular meeting.

Section 5. **Officers shall serve a term of one year from the November meeting at which they are elected and until their successors are duly elected. Officers may be re-elected in subsequent years.**

ARTICLE V - MEETINGS

~~C.~~ ~~REGULAR MEETINGS:~~

Section 1. **Regular meetings shall be open to the public and held on the third Thursday February through June and August through November on the third Thursday of the — month at 5:30 p.m. in the designated location and shall be posted for public information as required by Homer City Code and Alaska State Statutes.**

Section 2. Section held for designation certain months to review specific topics such as budget, strategic plan, policies, etc.

Section 3 2. ~~Items will be added to the agenda upon request of staff, through the Chair or upon approval by the Chair and in the absence of the Chair, the Vice Chair. Agenda deadline is the Wednesday of the week preceding the meeting date at 5:00 p.m. **Allowances will be made for holidays.**~~

~~3. Removing items from the published agenda will be by consensus of the Commission. No items may be added once the agenda has been published and distributed.~~

~~4. Commissioners will give staff or Chair a minimum of two weeks notice or as soon as possible regarding their potential absence from a meeting.~~

~~5. A Quorum is required to conduct a meeting of the commission.~~

~~6. Meetings will be conducted in the Cowles Council Chambers or alternative location as designated or required.~~

Section 4. The order of business for the regular meetings shall include, but not be limited to, the following items, which shall be covered in the sequence shown, as far as circumstances permit. Agenda shall be posted for public information as required by Homer City Code and Alaska State Statutes.

NAME OF BODY

DATE OF MEETING

PHYSICAL LOCATION OF MEETING

DAY OF WEEK AND TIME OF MEETING

HOMER, ALASKA

MEETING ROOM

NOTICE OF MEETING
REGULAR MEETING AGENDA

1. CALL TO ORDER

2. APPROVAL OF AGENDA

3. PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA. (3 MINUTE TIME LIMIT)

4. RECONSIDERATION

5. APPROVAL OF MINUTES or CONSENT AGENDA.

6. VISITORS (Chair set time limit not to exceed 20 minutes) (Public may not comment on the visitor or the visitor's topic until audience comments.) No action may be taken at this time.

7. STAFF & COUNCIL REPORT/COMMITTEE REPORTS/BOROUGH REPORTS (Chair set time limit not to exceed 5 minutes.)

8. PUBLIC HEARING (3 MINUTE TIME LIMIT)

9. PENDING BUSINESS

10. NEW BUSINESS

11. INFORMATIONAL MATERIALS (NO ACTION MAY BE TAKEN ON THESE MATTERS, THEY MAY BE DISCUSSED ONLY).

12. COMMENTS OF THE AUDIENCE (3 MINUTE TIME LIMIT)

13. COMMENTS OF THE CITY STAFF (not required) (Staff report may be at this time in the agenda.)

[Added language bold and underlined. Deleted language stricken through.]

14. COMMENTS OF THE COUNCILMEMBER (If one is assigned)
15. COMMENTS OF THE CHAIR (May be combined with COMMENTS OF THE COMMISSION/BOARD since the Chair is a member of the Commission/Board.)
16. COMMENTS OF THE COMMISSION
17. ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR _____ note any worksessions, special meetings, committee meetings etc. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. (Sometimes the meeting is scheduled for the Conference Room)

Contact info for the department constructing the agenda. Example: City Clerk's Office, clerk@ci.homer.ak.us, 235-3130.

- A. ~~To abide by existing Alaska State Law, Borough Code of Ordinance, where applicable, and Homer Municipal Code;~~
- B. ~~To abide by Robert's Rules of Order, current edition, in so far as this treatise is consistent with Homer City Code.~~

Section 5. Per Resolution of the City Council (resolution 06-115(A)), Public testimony shall normally be limited to three minutes per person. Exceptions may be provided for at the Chair's discretion or by a majority vote of the members in attendance.

Section 6. Special Meetings and Worksessions may be called by the Deputy City Planner, Parks Maintenance Coordinator, Recreation Manager, Deputy City Clerk, Chair or a majority of the Commission. Worksessions do not require a quorum, however, no action may be taken at a worksession; items on the agenda are for discussion only. Notice of such meetings shall be posted in the same manner as that of regular meetings.

Section 7. A quorum for the transaction of business at any meeting shall consist of five (5) members. For the purpose of determining the existence of a quorum, honorary members shall not be counted.

Section 8. Five affirmative votes are required to approve any action before the Commission and shall constitute the meaning of "majority vote". The Chairperson may vote upon, and may move or second a proposal/motion before the Commission.

Section 9. Recorded minutes shall be made available by the City Clerk's Office to the Commission prior to the next meeting and a record of all voting will be included in the minutes of each meeting. Minutes shall be available to the public as required by Homer City Code and Alaska State Statutes.

Section 10. The Commission shall abide by existing Alaska State Law, Borough Code of Ordinance, where applicable and Homer City Code as well as Roberts Rules of Order, current edition, in so far as this treatise is consistent with Homer City Code.

[Added language bold and underlined. Deleted language stricken through.]

ARTICLE VI - COMMITTEES

Section 1. Committees of one or more members for such specific purposes as the business of the Commission will only become active upon approval of Council. A memorandum and resolution will go before Council outlining the reason, tasks assigned and termination date. Committees shall be considered to be discharged upon completion of the purpose for which it was appointed, and after its final report is made to and approved by the Commission.

Section 2. All committees shall make a progress report to the Commission at each of its meetings.

D. COMMITTEES

1. Committees will be formed upon approval of City Council.
2. The Chair shall appoint committees for such specific purposes as the business of the Commission may require. Committee membership shall include at least two Commissioners. Other Committee members may be appointed from the public.
3. One Committee member shall be appointed Chair and be responsible for creating an agenda and working with the Deputy City Clerk in regards to establishing meeting dates so they may be advertised in accordance with Alaska State Law and Homer City Code.
4. One Committee member shall be appointed responsible for furnishing summary notes of all Committee meetings to the Deputy City Clerk.
5. Committees shall meet in accordance with Commission bylaws and Robert's Rules.
6. All committees shall make a progress report at each Commission meeting.
7. No committee shall have other than advisory powers.
8. Per Roberts Rules, upon giving a final report, the Committee is disbanded.

E. COMMISSION MEETING PUBLIC COMMENT/TESTIMONY AND AUDIENCE COMMENT TIME LIMITS

1. The meeting Chair shall note for the audience's benefit that there is a three minute time limit each time there is a place in the agenda for public comment/testimony or audience comments.
2. Any individual wishing to address the Commission shall adhere to a three minute time. It is the responsibility of the Chair to announce under Public Comments, Public testimony on public hearing items and Audience Comments that there is a 3 minute time.
3. Time limits may be adjusted by the 2 minutes up or down with the concurrence of the body in special circumstances only such as agenda content and public attendance.

F. SPECIAL MEETINGS:

1. Called by Chair or majority of the Commission conducted only upon approval of Council.

G. DUTIES AND POWERS OF THE OFFICERS:

1. A Chair and Vice Chair shall be selected annually (November meeting) by the appointive members.
2. The Chair shall preside at all meetings of the Commission, call special meetings in accordance with the by laws, sign documents of the Commission, see that all actions and notices are properly taken, and summarize the findings of the Commission for the official record.
3. The Vice Chair shall perform all duties and be subject to all responsibilities of the Chair in his/her absence, disability or disqualification of office.
4. The Vice Chair will succeed the Chair if he/she vacates the office before the term is completed, to complete the unexpired term. A new Vice Chair shall be elected at the next regular meeting.

H. MOTIONS TO RECONSIDER:

[Added language bold and underlined. Deleted language stricken through.]

- ~~1. Notice of reconsideration shall be given to the Deputy City Clerk and copied to the Chair or Vice-Chair, if the Chair is unavailable, within forty-eight hours from the time the original action was taken.~~
- ~~2. A member of Commission who voted on the prevailing side on any issue may move to reconsider the Commission's action at the same meeting or at the next regular meeting of the body provided the above 48-hour notice has been given.~~
- ~~3. Consideration is only for the original motion to which it applies.~~

I. ~~CONFLICT OF INTEREST:~~

- ~~1. A member or the Commission shall disqualify himself/herself from participating in any official action in which he/she has a substantial financial interest.~~
- ~~2. Should the Commission member not move to disqualify himself/herself after it has been established that he/she has a substantial financial interest, the Commission may move to disqualify that member by a majority vote of the body.~~

J. ~~QUORUM; VOTING:~~

- ~~1. Five Commission members shall constitute a quorum.~~
- ~~2. Five affirmative votes are required for the passage of a resolution or motion.~~
- ~~3. Voting will be by verbal vote, the order to be rotated. The final vote on each resolution or motion is a recorded roll call vote.~~
- ~~4. The City Manager, Mayor and High School student shall serve as consulting members of the Commission but shall have no vote.~~

K. ~~CONSENSUS:~~

- ~~1. The Commission may, from time to time, express its opinion or preference concerning a subject brought before it for consideration. Said statement, representing the will of the body and meeting of the minds of the members, may be given by the presiding officer as the consensus of the body as to that subject without taking a motion and roll call vote.~~

L. ~~ABSTENTIONS:~~

- ~~1. All Commission members present shall vote unless the Commission, for special reasons, permits a member to abstain.~~
- ~~2. A motion to excuse a member from voting shall be made prior to the call for the question to be voted upon.~~
- ~~3. A member of the Commission requesting to be excused from voting may make a brief, oral statement of the reasons for the request and the question of granting permission to abstain shall be taken without further debate.~~
- ~~4. A member may not be permitted to abstain except upon the unanimous consensus of members present.~~
- ~~5. A member may not explain a vote, may not discuss the question while the roll call vote is being taken and may not change his/her vote thereafter.~~

M. ~~VACANCIES:~~

- ~~1. A Commission appointment is vacated under the following conditions and upon the declaration of vacancy by the Commission.~~
- ~~2. The Commission shall declare a vacancy when the person appointed:~~
 - ~~_____ A. fails to qualify to take office within 30 days after his/her appointment;~~
 - ~~_____ B. resigns and the resignation is accepted;~~
 - ~~_____ C. is physically or mentally unable to perform the duties of his/her office;~~
 - ~~_____ D. misses three consecutive regular meetings without notice unless excused; or~~
 - ~~_____ E. is convicted of a felony or of an offense involving a violation of his/her _____~~
 - ~~_____ oath of office.~~

N. ~~GENERAL ORDER OF BUSINESS:~~

[Added language bold and underlined. Deleted language stricken through.]

NAME OF BODY _____ DATE OF MEETING _____
PHYSICAL LOCATION OF MEETING _____ DAY OF WEEK AND TIME OF MEETING _____
HOMER, ALASKA _____ MEETING ROOM _____

NOTICE OF MEETING
REGULAR MEETING AGENDA

1. CALL TO ORDER
2. APPROVAL OF AGENDA
3. PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA. (3 MINUTE TIME LIMIT)
4. RECONSIDERATION
5. APPROVAL OF MINUTES or CONSENT AGENDA.
6. VISITORS (Chair set time limit not to exceed 20 minutes) (Public may not comment on the visitor or the visitor's topic until audience comments.) No action may be taken at this time.
7. STAFF & COUNCIL REPORT/COMMITTEE REPORTS/BOROUGH REPORTS (Chair set time limit not to exceed 5 minutes.)
8. PUBLIC HEARING (3 MINUTE TIME LIMIT)
9. PENDING BUSINESS
10. NEW BUSINESS
11. INFORMATIONAL MATERIALS (NO ACTION MAY BE TAKEN ON THESE MATTERS, THEY MAY BE DISCUSSED ONLY).
12. COMMENTS OF THE AUDIENCE (3 MINUTE TIME LIMIT)
13. COMMENTS OF THE CITY STAFF (not required) (Staff report may be at this time in the agenda.)
14. COMMENTS OF THE COUNCILMEMBER (If one is assigned)
15. COMMENTS OF THE CHAIR (May be combined with COMMENTS OF THE COMMISSION/BOARD since the Chair is a member of the Commission/Board.)
16. COMMENTS OF THE COMMISSION
17. ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR _____ note any worksessions, special meetings, committee meetings etc. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. (Sometimes the meeting is scheduled for the Conference Room)

~~O. PROCEDURE FOR CONSIDERATION OF AGENDA ITEMS:~~

~~The following procedure will normally be observed pursuant to Robert's Rules:~~

- ~~1. A motion is made to discuss the item OR to approve the staff recommendation. The item may then be discussed, amended or voted on.~~
- ~~2. If there are questions of staff or an appropriate audience member, a Commissioner may request permission from the Chair to ask the question. The Chair, upon with consensus approval, may grant the request.~~

P. ARTICLE VII - BYLAWS AMENDED: AMENDMENTS

Section 1. The bylaws may be amended at any meeting of the Commission by a majority plus one vote of the members present, provided that notice of proposed amendment is given to each member in writing. The proposed amendment shall be introduced at one meeting and action shall be taken at the next commission meeting.

Section 2. Any rule or resolution of the Commission, whether contained in these Bylaws or otherwise, may be suspended temporarily in connection with business at hand; and such suspension to be valid; may be taken only at a meeting at which at least four of the members of the Commission shall be present, and two-thirds of those present shall so approve.

[Added language bold and underlined. Deleted language stricken through.]

Q-ARTICLE VIII TELECONFERENCE-ING

Section 1. Teleconference meetings:

- a. The preferred procedure for Commission meeting is that all members be physically present at the designated time and location ~~within the City~~ for the meeting. However, physical presence may be waived ~~by the Chair or Commission~~ and a member may participate in a meeting by Teleconference. **This allowance is limited to two (2) meetings per year.** ~~when it is not essential to the effective participation or the conduct of business at the meeting.~~
- b. There must be a** A quorum **of members physically** ~~must be present.~~ **In addition to the telephonic member.**
- c. A Commission member participating by teleconference shall be deemed to be present at the meeting for all purposes.
- d. In the event the Chair participates telephonically, the Vice-Chair shall run the meeting.

1. Section 2. Teleconference procedures.

- a. A Commission member who cannot be physically present for a regularly scheduled meeting shall notify the ~~Deputy City Clerk~~ at least five days prior to the scheduled time for the meeting of ~~his/her~~ **their** intent to appear by telephonically. ~~means of communication.~~
- b. ~~The Deputy City Clerk~~ shall notify the **other Commissioners members of the Commissioner's intent to appear by teleconference** three days prior to the scheduled time ~~for the Commission meeting of Commission members intending to appear by teleconference.~~
- c. The means used to facilitate a teleconference meeting ~~of the Commission~~ must enable each Commissioner ~~er member~~ appearing telephonically to clearly hear, **and be heard by** all other Commissioners ~~members and members of the public,~~ attending the meeting as well as ~~be clearly heard by all other Commission members and members of the public.~~
- d. ~~The Deputy City Clerk~~ shall note in the attendance record all Commission members appearing telephonically.

ARTICLE IX – PUBLIC ART

1% FOR THE ARTS PROGRAM

The State has recognized through the enactment of AS 35.27.010, and the City of Homer hereby recognizes by the enactment of Ordinance 02-25(A), Chapter 18.07, the responsibility of government to foster the development of culture and the arts through the purchase or commissioning of works of art for municipal buildings and facilities. It is therefore declared to be municipal policy that a portion of appropriations for capital expenditures for municipal buildings and facilities be devoted to the acquisition of works of art to be permanently placed or incorporated in such buildings or facilities.

[**Added language bold and underlined.** Deleted language stricken through.]

Definitions

The following words, terms and phrases, when used, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

"Art" and "work of art" mean all forms of original creations of visual art, including but not limited to the following:

1. Sculptures: in the round, bas relief, high relief, mobile, fountain, kinetic or electronic, in any material or combination of materials.
2. Painting: all media, including portable and permanently affixed works, such as murals.
3. Graphic arts: printmaking and drawing.
4. Mosaics.
5. Photography.
6. Crafts: in clay, fiber and textiles, wood, metal, plastics and other materials.
7. Calligraphy.
8. Mixed media: any combination of forms or media, including collage

"Construction, remodeling or renovation of municipal buildings and facilities" means any capital improvement projects paid for wholly or in part by the municipality to build, rebuild or improve any decorative or commemorative structure, park or parking facility or any building.

"Total cost of construction, remodeling or renovation" means the total allotted funding for the subject project at the time of award of contract, exclusive of the costs of land acquisition, site investigation, and environmental clean-up or remediation. (Ord. 02-25(A), 2002.)

The Parks, Art, Recreation and Culture Advisory Commission shall be responsible for the following:

- A. Determine the dollars allocated for art within the budget of each eligible project;
- B. Name a Selection Committee for each project;
- C. Develop and monitor policies related to the selection and installation processes;
- D. Develop plans that insure the preservation of the art collection;

Procedures for the 1% for the Arts Program

Eligible Projects

1. Upon approval of the City budget, the City Manager will provide a copy of the capital improvement budget to the Commission notating all projects he/she believes to be eligible for the 1% for Art Program.
2. Eligible projects include remodeling, renovation, new construction to municipal buildings or facilities when the cost of the project exceeds \$250,000.
3. Staff will update the Commission at least quarterly regarding any new capital improvement projects City Council has approved and will indicate whether the City Manager believes the 1% for Art Program is applicable.

[Added language bold and underlined.] Deleted language stricken through.]

Project Budget

1. 1% of the project cost will be allocated for the purchase of art, with a minimum project value of \$250,000 and a maximum of \$7,000,000. Therefore, the minimum budget is \$2,500 and the maximum is \$70,000. The budget may be increased by the addition of private funds or donations from non-city public funds.
2. Project cost is defined as the cost of the original contract awarded, excluding land acquisition, site investigation, environmental cleanup or remediation. Subsequent change orders and amendments to the contract do not increase or decrease the amount of funding available for artwork.
3. The art budget will include all costs associated with design, construction, installation, and acquisition of works of art.

Selection Committee

1. The Commission will submit to the Council for its approval members of a new Selection Committee for each eligible project. Appointments will be made as early as possible in the construction process to encourage integration of art into the architecture of the building and design of the outdoor spaces.
2. A Selection Committee will be composed of at least five (5) members, including
 - a. One member(s) from the Commission,
 - b. One Artist
 - c. One member from the architectural/design team
 - d. One member from the user department
 - e. Director of building in question or his/her designated representative.

The scope of the project may require the appointment of additional members.

3. The Deputy City Clerk for the Commission will also assist the Selection Committee. This will facilitate clear communication and cooperation between the two advisory bodies.
4. Diversity. The Commission will specifically include members of the community who share a commitment to the goals of the 1% for Art Program yet represent the diverse citizenry in our community.
5. Responsibilities of the Selection Committee
 - a. Selection Committee members will suggest the most suitable locations for artwork within the building or on the site, often in discussion with the architect or chief designer. It is also appropriate to allow artists to submit proposals for locations not identified by the committee.

[Added language bold and underlined. Deleted language stricken through.]

- b. The committee will organize interaction between the design team and artists to ensure that artists are sufficiently briefed about the project opportunities and restrictions. The goal is to generate top quality, responsive proposals.
- c. Carefully review each eligible submission. This will frequently be a multi-step process, with time between meetings for personal reflection.
 - d. If necessary, a specific member of the committee or the Deputy City Clerk may be directed to discuss modifications to a specific proposal with the artist. All such discussions shall be confidential, and members must exercise care so a specific artist does not construe such discussion as acceptance of work.
 - e. Prepare list of Recommended Artwork for the named project and a short list of runners-up, if possible. (Occasionally 1st choice work will not be available and this process may preclude the need to reconvene the jury.)
 - f. Selection Committee Chair will be present when the Resolution is before Council for final approval and award. Responses to Council questions may include a brief summary of the selection process, including number of submittals, names of the selection committee members and other information that encourages final acceptance by City Council members.
 - g. Deputy City Clerk will notify all selected artists of their award and thank all participants.
 - h. All participants, including Committee members and all artists who submitted proposals will be offered a formal opportunity to comment on the process. The Commission will receive these comments.

NOTE: The entire selection process must be handled confidentially. No decisions are final until approved by City Council and final contracts are negotiated with the artists. (Reso. 10-80, 2011.)

ADDITIONAL OVERSIGHT UNDER THE 1% PROGRAM

1. Requests for Proposals (RFP)

The Selection Committee with the assistance of the Deputy City Clerk will prepare an RFP for each eligible project. (See sample in Exhibit A). The Clerk's Office will circulate the RFP as required by City code under the City's Procurement Policy. Packets of additional information that describes the project will be available in City Clerk's Office and on the City's website. It will include the brochure, "Special Considerations for Art in Public Places" (See Exhibit B)

2. Establishing Selection Criterion

- a. Each member of the Selection Committee will be provided with a complete RFP, including the "Special Considerations" brochure. Members will be asked to remember these considerations in their art selections.
- b. The Selection Committee will be provided with an Evaluation Checklist (see Exhibit C).

[Added language bold and underlined.] Deleted language stricken through.]

- c. The Selection Committee may specify that certain projects will show a preference for art by local or Alaskan artists.

3. Legal Considerations.

The Selection Committee and the Parks, Art, Recreation and Culture Advisory Commission are liaisons between artists and the City, the principals in this program. These guidelines will clarify the understanding between them:

- a. Ownership of the Art: All art purchased under the 1% for Art Ordinance will be owned by the City of Homer.
- b. Artist's Rights: Public artwork and art concepts will not be altered, modified, removed or moved from a site which is integral to the concept for the work without prior notice to the artist. If the City's best and reasonable efforts to contact the artist have failed, the City may proceed without such notice.
- c. Artist's Promise to the City of Homer: The art is unique and original and does not infringe upon any copyright. Neither the art nor a duplicate has been accepted for sale elsewhere. The art is free and clear of any liens. The fabricated and installed art will be free of defects in material and craftsmanship. Maintenance requirements have been accurately described;

4. Contract with an Artist:

The City of Homer will enter into a contract with each artist whose work is selected for inclusion in a City project. It will address description of the project, payment schedule, payment of special engineering or installation costs, due date. (See sample in Exhibit D). (Reso. 10-80, 2011.)

ACCESSION POLICY

To establish an orderly and consistent process for reviewing artwork for acceptance into the Municipal Art Collection ensuring that the collection is comprised of artwork of the highest quality.

Definition

Accession is to accept artwork in to the Municipal Art Collection

Policy

[Added language bold and underlined. Deleted language stricken through.]

1. Accession procedures insure that the interests of all concerned parties are represented including the Parks, Art, Recreation and Culture Advisory Commission, the Public, the Artist, the Arts Community and the City of Homer.
2. Artwork shall be distinctive artistic merit and aesthetic quality and will enhance the diversity of the Municipal Art Collection.
3. Artwork shall be appropriate in and for its site, scale, material, form, and content for both its immediate and general social and physical environment.
4. Artwork shall be reasonably durable against theft, vandalism, weather, and excessive maintenance costs.
5. Accession implies the responsibility to preserve, protect, and display the artwork for public benefit.
6. Accession implies a work's permanency within the Municipal Art Collection, providing that the work retains its physical integrity, identity and authenticity.
7. Artwork will be acquired without restrictions as to its future use and disposition except as provided in contracts with artists.
8. Artwork will be accessioned into the City of Homer's Municipal Art Collection only upon completion of all facets of the Commissioning or purchasing contract and final approval of City Council.
9. Each accessioned work into the Municipal Art Collection will be documented to the fullest extent possible, including artist's last known address and when available photograph.
10. The artist's signed contract or release transferring title for the artwork and clearly defining the rights and responsibilities of all parties will accompany every accessioned work and shall be in the documented records of the work.
11. In the case of interagency or inter-local agreements a copy of the agreement and signatures of all parties will be kept in the office of the City Clerk.
12. Accession results from projects and purchases generated as part of the Municipal Art program except in case of donations which will be reviewed in accordance with the City of Homer Public Arts Committee policy on gifts and if accepted will be accessed pursuant to this accession policy. (Reso. 10-80, 2011.)

GIFT POLICY

Purpose

[Added language bold and underlined.] Deleted language stricken through.]

To identify a procedure and criteria for the Parks, Art, Recreation and Culture Advisory Commission to review proposed gifts of artwork.

Definition

Gifts are personal or real property that is donated or bequeathed with or without restrictions to the City of Homer for actual artwork, property for placement or funds for the acquisition of artwork.

Policy

1. The Parks, Art, Recreation and Culture Advisory Commission will review all proposed gifts as defined above and will evaluate the suitability of proposed gifts and make recommendations to the Homer City Council in accordance with Homer City Code which allows acceptance of donations.
2. Each Proposed gift will be reviewed for the following:
 - a. Aesthetic Quality – the proposed gift has significant aesthetic merit.
 - b. Appropriateness of Chosen Site or Location – scale of artwork is appropriate for the site including relationship between the artwork and the site and obstacles of the site.
 - c. Restrictions from the Donor – any restrictions must be clearly identified and may be a factor in determining whether to accept a gift.
 - d. Originality of Artwork – artworks must be one of a kind or part of an original series reproductions of originals are not considered eligible for acceptance.
 - e. Relationship to the Collection as a Whole – the Public Arts Committee is committed to creating a diverse collection of art. The proposed gift must be compatible with the Municipal Art Collection without being over represented.
 - f. Technical Feasibility – the realistic ability for the proposed project to be built and installed as proposed in the selected location.
 - g. Technical Specifications – the Public Arts Committee must review the actual work if available or a scale drawing and or model consisting of site plans and elevations describing the following:
 1. Surrounding site conditions if applicable
 2. Dimensions
 3. Materials and finishes
 4. Colors
 5. Electrical, Plumbing, or other utility requirements
 6. Construction and installation method
 7. Additional support material such as text verbally describing the artwork and specifications, models, or presentation drawings by a licensed engineer may be required.
 - h. Budget – cost to manage the project, prepare the site, deliver and or install the work, funds for signage/recognition, and any other cost should be disclosed by the donor in a budget. The Commission will determine if the costs are accurate and

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realistic and that the donor has clearly delineated responsibility for all costs associated with the project.

i. Timeline – expected timeline for donation or installation should be proposed by the donor. The Commission will determine if the timeline is realistic.

j. Durability – expected lifetime and staying power of the material used to create the artwork especially if set in the out of doors or in a non-archival exhibition setting and exposed to the elements.

k. Warranty – the donor agrees to be responsible for a warranty period of one (1) year from the date of final installation of the artwork to insure the integrity of the material, fabrication and installation when installed in or on a city owned facility or property.

l. Vandalism and Safety – the artwork will not be prone to vandalism or pose a safety hazard.

m. Maintenance and Preservation – donor’s agreement to provide a technical and maintenance record including a plan for routine care with estimated costs. The donor must indicate if there are any unusual or ongoing costs to maintain artwork.

3. Donors proposing gifts will be informed of the importance of the above criteria in the Commission consideration.

4. The Parks, Art, Recreation and Culture Advisory Commission will have final authority through the City Manager to review and recommend to Homer City Council to accept or reject the donated artwork.

5. All gifts that are recommended for acceptance will only be accessed into the Municipal Art Collection pursuant to the Accession Policy. (Reso. 10-80, 2011.)

PROCEDURE TO PROPOSE A DONATION OF ARTWORK TO THE CITY OF HOMER

The Parks, Art, Recreation and Culture Advisory Commission is charged with the responsibility of evaluating the suitability of a proposed artwork and making recommendation to the City Council as to whether or not to accept it as a gift. If accepted, the donated work becomes the responsibility of the City of Homer, which will inventory, insure, maintain and repair it as required by Homer City Code and Alaska State Law.

Definition

“*Gifts*” are personal or real property that is donated, devised or bequeathed with or without restrictions to the City of Homer. Gifts can be actual artwork, property for placement of artwork or funds for the acquisition of artwork.

“*Gift Policy*” is the policy that identifies the procedure and criteria for reviewing proposed gifts of artwork to the City of Homer.

“Accession Policy” is the policy that defines an orderly and consistent process for reviewing artwork for acceptance into the Municipal Art Collection insuring that the collection is comprised of artwork of the highest quality. (Reso. 10-80, 2011.)

Process

The Parks, Art, Recreation and Culture Advisory Commission will review all proposed gifts according to the Gift Policy. They will evaluate the suitability of the proposed gifts and make recommendations to the Homer City Council through the City Manager.

In order to provide the Commission with the information necessary to evaluate the proposed artwork in accordance with the Gift Policy and Accession Policy the potential donor or donor’s representative must complete the Gift Proposal Application and submit to the City of Homer, City Clerk’s Office. (Reso. 10-80, 2011.)

Presentation to the Parks, Art, Recreation and Culture Advisory Commission

If applicable the donor will be scheduled to present his or her proposal to the Commission at the next regular meeting. The donor is expected to present the actual artwork or model or scale drawings of the proposed piece. If it is not possible depending on the artwork a photograph may be accepted upon approval of a majority vote of the Commission.

The Parks, Art, Recreation and Culture Advisory Commission will review the proposal, consider the presentation and make a recommendation at the meeting. If the proposal materials do not give the Commission enough information to make an educated recommendation they may request to postpone recommendation until further information is provided by the donor.

PRESERVATION OF THE MUNICIPAL ART COLLECTION

1. Registry

The City’s art collection will be catalogued and a registry maintained. Each entry will include

- a. Name and contact information for the artist
- b. Title of the work, date created, dimensions
- c. Photographs of the work
- d. The artist’s cleaning and maintenance recommendation;
- e. An artist’s statement regarding the work, if possible.
- f. An identification number _____ (year installed), _____ consecutive number (for example: 2006-#21). This number will also be affixed to the piece of art or to its label.
- g. Exact location of the artwork.
- h. Techniques and materials used in creating the artwork.

The registry will be bound and stored in the City Clerk's Office. The City will also provide an official label for each piece of art that will be consistent in style and material. Information contained will reflect the following:

- Color Photo of artwork
- Artist Name(s)
- Title of Artwork
- Year Completed/Date
- Medium Used
- Size/Dimensions
- Location
- Physical Description of the piece
- Short Summary about the Artist
- Summary Comment on the artwork

Inspection and Maintenance of Artwork

All building and grounds supervisors will be instructed to inform the City Clerk if vandalism is observed or the artwork requires maintenance. All cleaning and maintenance will follow the instructions provided by the artist. If the artwork requires extensive repairs, the City will make a good-faith effort to obtain advice from the artist. If no information is forthcoming, the City may proceed with its best practice.

DE-ACCESSIONING PURCHASED AND DONATED ITEMS

The City has the responsibility for conserving the collection, and because the disposal of artworks may have serious implications for the artists, removing the items from the collection should be a deliberate and seldom-used procedure. It is the policy of the City not to dispose of works simply because they are not currently in fashion and not to dispose of works whose worth might not yet be recognized.

Purchased or donated items which have been accepted into the Municipal Art Collection will be de-accessioned only at the direction of the City Council, which shall consider the recommendations and comments of the Parks, Art, Recreation and Culture Advisory Commission, Staff and any public comment received.

The City will comply with all laws pertaining to de-accessioning of art items. If documents provide for de-accessioning, such documents will determine the method and manner of the de-accessioning.

Examples of situations where de-accessioning would be considered include:

- a. The item(s) has deteriorated beyond a reasonable means of conservation or in deteriorating, has lost its usefulness.

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- b. The authenticity, attribution, or genuineness of the item(s) is determined to be false or fraudulent.
- c. The item(s) is redundant or is a duplicate that has no value as part of a series.
- d. The item(s) is located in an area where jurisdiction will be transferred to another entity or is made inaccessible to the public.

The Parks, Art, Recreation and Culture Advisory Commission may recommend any of the following courses of action as a result of a deaccessioning review. The Commission shall not be limited to these courses of action and may suggest new methods as may be demanded by a particular set of circumstances:

- a. Relocate the work of art. This course of action shall be given highest priority
- b. Remove the work from display and maintain in a safe storage
- c. Yearly City Surplus Sale
- d. Private sale
- e. Exchange for another work by the artist
- f. Gifting the piece to a non-profit organization
- g. Recycling

Destruction of the item(s) may be considered where the physical condition of the work is severely deteriorated or will be irreparably damaged by the de-accessioning process. In appropriate instances, appraisals of the item(s) to be de-accessioned will be sought from outside sources.

Encouraging Additional Public and Private Art in Public Spaces, and Promoting Public Awareness and Appreciation for the Municipal Art Collection

Ordinance 02-25(A) encourages the addition of private money into the public art program. Any art purchased with such funds will be owned 100% by the City of Homer and the City will have responsibility for selection, installation, maintenance and repairs.

The Parks, Art, Recreation and Culture Advisory Commission will be a resource for business owners who wish to include art in their business location.

Parks, Art, Recreation and Culture Advisory Commission will endeavor to obtain buy-in from affected city departments and a wide variety of governmental and non-governmental organizations, as required, to ensure the successful implementation of the public art policy.

The Commission will work to establish partnerships with private funders to help the art policy proponents work with and advise patrons who are funding public-art projects privately. This will help guarantee that these projects meet a set of agreed-upon requirements and fulfill the goals and vision set forth in this policy.

The Parks, Art, Recreation and Culture Advisory Commission will identify alliance opportunities with institutions, organizations, and the public. Partner with them to publicize and discuss how public art can help further the mission of their specific organization.

Raise support among the press to help the fundraising efforts to educate and inform the public about the many different types of public art, and the wealth and ability of the local arts community.

Keep the information flowing about the progress of any public art initiatives started.

The Parks, Art, Recreation and Culture Advisory Commission, with the assistance of users, will plan an installation ceremony upon completion of each project. Costs for this event will be from the annual budget or underwritten by donors.

The Parks, Art, Recreation and Culture Advisory Commission will plan events and promotional tools that invite residents and visitors to enjoy the City of Homer art collection. These might include walking tour maps, guest lectures, on-line catalogue, etc. (Reso. 10-80, 2011.)

FUNDING FOR THE MUNICIPAL ART COLLECTION

A public art fund is established in accordance with Homer City Code 18.07.090, Public Art Fund, as a separate, interest bearing account in the city general fund to receive money for the public art program from the following sources:

1. Funds for public art fees received from private development.
2. Funds donated to the city for public art.
3. Other funds appropriated by the City Council for public art.

Money in the public art fund shall be used solely to pay the costs of selecting, commissioning, acquiring, installing, maintaining, public education regarding, administering, removing and insuring the works of public art, and any other expense related thereto.

Interest earned on money in the public art fund shall be deposited in the public art fund.

The public art fund is administered by the City with the advice of the Parks, Art, Recreation and Culture Advisory Commission.

- The Commission shall prepare a plan annually for expenditures from the public art fund for approval by the city council. (Ord.09-51(A), §1, 2009.)
- Encourage the addition of private money into the public art program. Any art purchased with such funds will be owned 100% by the City of Homer and the City will have responsibility for selection, installation, maintenance and repairs. (Ord. 02-25(A), 2002.)

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MEETING DATE	SCHEDULED EVENTS OR AGENDA ITEM
JANUARY 2019	DRAFT ART RFP PROPOSED BEACH TRAIL WINTER CARNIVAL EVENT/RECOGNITION OF BEN WALTER PARK
FEBRUARY 2019	COMPREHENSIVE PLAN LAND ALLOCATION PLAN KHP MASTER PLAN REVIEW
MARCH 2019	LETTER TO THE EDITOR DRAFT FOR PUBLICATION IN APRIL KHP MASTER PLAN NON-MOTORIZED TRANSPORTATION AND TRAIL PLAN
APRIL 2019	3 YEAR BUDGET TRENDS/FINANCIAL GOALS NON-MOTORIZED TRANSPORTATION AND TRAIL PLAN
MAY 2019	3 YEAR BUDGET TRENDS/FINANCIAL GOALS SPRING PARK &/ OR BEACH WALK THROUGH
JUNE 2019	INITIAL BUDGET REVIEW – WHAT DOES THE COMMISSION WANT FOR 2020? REVIEW CAPITAL IMPROVEMENT PLAN & RECOMMENDATIONS FOR NEW PROJECT(S) IF ANY
JULY 2019	NO MEETING SCHEDULED
AUGUST 2019	BUDGET REVIEW & RECOMMENDATIONS CONTINUED CIP RECOMMENDATIONS TO COUNCIL LETTER TO THE EDITOR DRAFT
SEPTEMBER 2019	FALL PARK WALK THROUGH AND BEACH WALK; ELECTIONS SCHEDULE KHP CLEAN UP DAY BUDGET DISCUSSION
OCTOBER 2019	REVIEW AND APPROVE THE 2020 MEETING SCHEDULE LETTER TO THE EDITOR
NOVEMBER 2019	BUDGET UPDATE MOU/MOA REVIEW & RECOMMENDATIONS
DECEMBER 2018	NO MEETING SCHEDULED HAPPY HOLIDAYS!

Quarterly: Letters to the editor updating the Community on PARCAC activities

Even Years: Comprehensive Plan (February) Strategic Plan review (March), Diamond Creek Plan (May), Camping Fees (May), Beach Policy (October), Art Policies

Odd Years: HNMTTP, Karen Hornaday Park Plan, 3 year budget trends & progress toward financial goals (April/May)

**2019 HOMER CITY COUNCIL MEETINGS
ADVISORY COMMISSION/ BOARD ATTENDANCE**

Commissions are invited to report to the City Council at the Council's regular meetings under Item 8 – Announcements/Presentations/Borough Report/Commission Reports. This is the Commission's opportunity to give Council a brief update on their work. Generally the Commissioner who will be reporting will attend one of the two meetings for the month they are scheduled to attend.

The 2019 meeting dates for City Council is as follows:

January 14, 28	_____
February 11, 25	_____
March 11, 26*	_____
April 8, 22	_____
May 13, 28*	_____
June 10, 24	_____
July 22**	_____
August 12, 26	_____
September 9, 23	_____
October 14, 28	_____
November 25**	_____
December 9, 16****	_____

City Council's Regular Committee of the Whole Meeting at 5:00 pm to no later than 5:50 pm prior to every Regular Meeting which are held the second and fourth Monday of each month at 6:00 pm.

*Tuesday meeting due to Memorial Day/Seward's Day.

** There will be no first regular meeting in July or November.

***Council traditionally reschedules regular meetings that fall on holidays or high school graduation days, for the following Tuesday.

****Council traditionally cancels the last regular meeting in December and holds the first regular meeting and one to two special meetings as needed. Generally the second special meeting the third week of December will not be held.

