

WELCOME TO THE
PUBLIC ARTS COMMITTEE'S
REGULAR MEETING



CITY OF
FLORENCE

June 26, 2023
Florence City Hall

CALL TO ORDER – ROLL CALL

PUBLIC COMMENT

This is an opportunity for members of the public to bring to the committee's attention any item not listed on the agenda. Comments will be limited to three (3) minutes per person, with a maximum time of 15 minutes for all items.

There are no verbal Public Comments for today's meeting. If written comments were received, they will be sent to the committee and uploaded to the website.

CITY COUNCIL NORMS

With City of Florence Mayor Rob Ward

CITY OF FLORENCE

CITY COUNCIL NORMS

Interpersonal and Behavioral Norms:

- ◆ We assume good intentions.
- ◆ When we disagree, we will do so without being disagreeable.
- ◆ We will make space for everyone to speak.
- ◆ We will be respectful, open, and honest in our work and communications with each other.
- ◆ We will exercise humility.
- ◆ When we have concerns with a council colleague, we will address those concerns in a timely, respectful, and constructive manner.
- ◆ We will check ourselves in adherence to our norms and practice self-regulation; however the mayor may nudge us when we need nudging.
- ◆ Don't personalize policy disagreements, or take offense to what someone says as their truth .
- ◆ We will not criticize one another in public.
- ◆ We will seek to build relationships with our council colleagues outside of official duties.
- ◆ We respect each other by minimizing side conversations in our meetings.

Procedural and Process Norms:

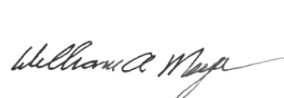
- ◆ We will wait to be recognized by the mayor before speaking.
- ◆ We will pay attention to each other; listen and don't interrupt.
- ◆ We don't undermine the decisions made by the council (for example, if you voted against a policy that passed, you will still support the effective implementation of the policy despite not supporting the policy itself).
- ◆ We will address each other using titles during council meetings.
- ◆ In public, staff will use titles when speaking to the council and council uses first names for staff.
- ◆ When past or present elected officials are at council meetings, the mayor will publicly acknowledge their attendance.
- ◆ As a rule, we will notify staff of media requests and/or appearances to avoid surprises and staff will support with messaging and coordination.
- ◆ The mayor represents the council to the media on issues of “ends” and will consult with council colleagues as appropriate and staff answer questions on the “means”.
- ◆ We will share/repost/link to official city social media but will not engage in debate or dialogue with the public via social media.
- ◆ Council members may reply directly to emails/calls to acknowledge the message was received; however, they should take the appropriate time to reflect and coordinate with staff and council on an answer before responding.



Rob Ward
Mayor



Sally Wantz
President



Bill Meyer
Vice-President



Jo Beaudreau
Councilor



Robert Carp
Councilor



**CITY OF
FLORENCE**

COMMITTEE MEMBERSHIP

WELCOME TO THE NEW PUBLIC ARTS COMMITTEE!

Please introduce
yourself
& your relation
to the arts in
Florence and your life



CITY OF FLORENCE COMMITTEE ETHICS

With City Recorder Lindsey White

ETHICS & PUBLIC MEETINGS LAW FOR VOLUNTEERS



WHAT WE WILL COVER

Public Meeting Law

Oregon Ethics Law & Fraud Policy

Non-Discrimination / Non-Harassment

Code of Conduct



City of Florence
A City in Motion

City of Florence Committee & Commission Policy Manual

Adopted November 5, 2018
Resolution No. 21 Series 2018
Exhibit A

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ROLE OF CHAIRPERSON & VICE-CHAIRPERSON

- Established at first meeting
- Chair presides over meeting
 - Responsible for making sure meeting proceeds in a fashion conducive to rational decision making
 - Sets tone for meeting, keeps discussions on track, encourages fairness, moderates and contributes to discussions



ROLE OF CHAIR - IN A MEETING

- Chair will...
 - Open the meeting & lead role call
 - Moderate discussion
 - Ask speakers (if any) to identify themselves
 - Lead deliberations
 - Summarize the issues, Ask for input from agency as a whole, make sure motions are understandable before full vote is taken, encourage the meeting to move in a timely manner
 - Official signature on decisions

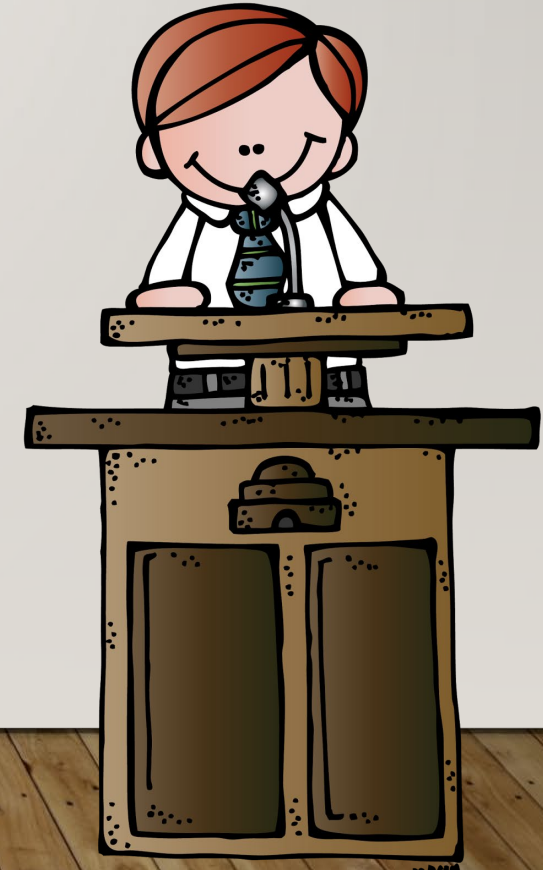


WORKING WITH THE MEDIA & THE PUBLIC

- Media / Public Outreach Comments:
 - Committee Chair appointed representative for Committee (*or Vice-Chair if Chair is unavailable*)
 - May only state...
 - the official position of the committee as approved by the majority, and/or
 - Overview / history of what has been discussed / reviewed
 - NO Personal Opinions – without disclaimer (*see upcoming slide*)
 - Individual committee members (*other than Chairperson*) **may not** represent committee before any other committee, outside agency, media, the general public – unless authorized by Committee in committee meeting

PERSONAL OPINIONS

- You have a right to testify / state your opinion as a citizen at meetings / to the media.
- **Need to specify:**
“I am a member of the PAC Committee, but today I am speaking as a private individual”
 - Do so at the beginning of your comments,
prior to anything else being said.
- Courtesy: Tell the Chair / Staff Ex-Officio in advance
- Consider: How your role as a Committee Member will be perceived.
i.e. Comment respectfully.



PUBLIC MEETINGS LAW

- Regulated by State of Oregon – Department of Justice
 - From ORS 192
 - Attorney General's Public Meetings and Open Records Manual

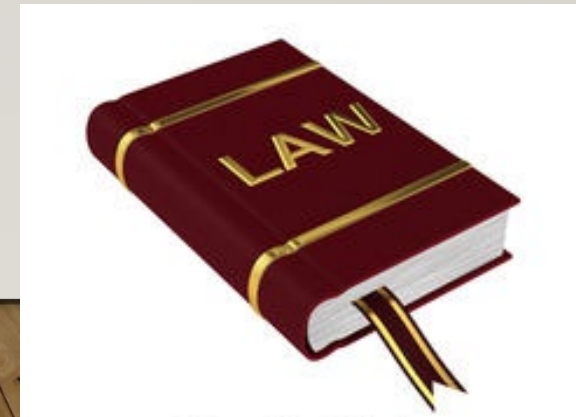


WHO MUST FOLLOW?

- The City governing body (*City Council*) and
- Any committee or sub-group tasked with making decisions or deliberating toward a decision on any matter
 - Any City Committee, Commission or other similar body

WHAT IS THE LAW?

- ORS 192.620: “The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly.”
- ‘A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.690”
- Note: Public Participation does not always mean public conversation



WHAT IS A MEETING?

- Any instance where a quorum (*majority*) members are discussing / deliberating toward a decision:
- This includes:
 - Standard meetings where a quorum is present
 - Electronic meetings (Emails, IMs, Texts, Social Media)
 - Serial Discussions
- Does NOT include Social Gatherings:
If possible, staff publishes agenda noting the social nature of event

PROCEDURAL REQUIREMENTS FOR MEETINGS

- Public Notice at least 24 hours in advance (*Agenda*)
- Space, Location, Accessibility and Attendance
(*Meeting location must be accessible to all public*)
- Voting (*Decisions must be made and recorded*)
- Records (*Digital Recording / Minutes, Public Records Law*)

PRACTICAL TIPS

- Avoid replying to emails when Committee business information is shared
 - To request agenda item ask Chairperson to add to future agenda
- Avoid conversations (*in person or via email*) between committee members where the views of fellow members are shared
- Avoid sharing opinions on items the Committee would need to vote on

PUBLIC RECORDS



Public
Records

- What is a public record?
 - Any document that contains public business information that is prepared, owned, used or retained by a public body regardless of physical form or characteristics
 - All items before Committee are public records
 - Emails, formal letters, photos, handwritten napkin drawings, etc.
 - Must be available to the public
 - Records used for decision deliberation (i.e. distributed at meeting)
= Permanent Retention

OKAY – SO HOW DOES THE CITY COMPLY WITH THESE LAWS?

- Agendas & Meeting Materials are prepared in advance
 - Posted Online and at City Hall
 - Distributed to all interested parties
- Public Hearing notices published as required by state law
- Public records for body retained according to records law, including...
 - Agenda
 - Meeting Materials
 - Items Distributed at Meeting
 - Digital Recording / Minutes

AGENDA PREPARATION

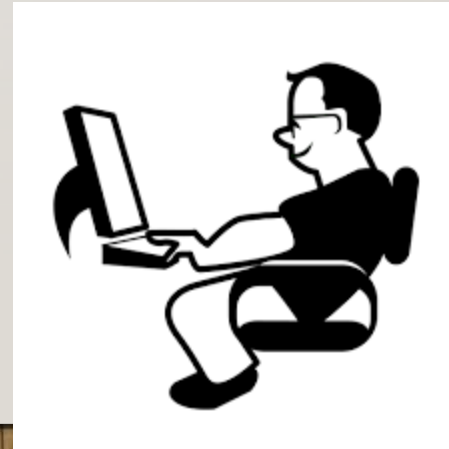
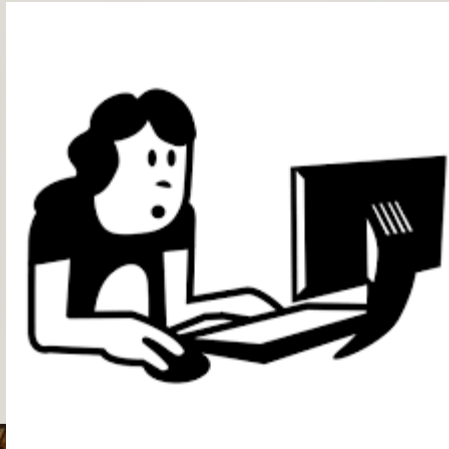
- Agenda prepared by staff representative & approved by Chairperson
- If you would like to request something on the agenda:
 - Notify chairperson – who will determine best timeline for discussion
- Can always bring things up at end of meeting for further discussion later on
- All items (*pertinent to body*) can be discussed at meeting, all decisions need to be specified on agenda
- The Point: To allow the public enough information to understand what the agency will discuss and decide whether or not to attend the meeting

PREPARING FOR THE MEETING

- Agenda & Meeting materials distributed to Committee:
 - At least 3 days prior to the meeting
- If Possible:
 - If you have questions about information provided, ask Staff prior to the meeting.
 - This allows staff to address thoughts in advance, and relay information to all commission members at the meeting.
 - Saves everyone time!

WHAT ABOUT SUBCOMMITTEES?

- Role of Subcommittees:
 1. Perform volunteer work by assisting in administrative tasks that would alternatively not be completed or be performed by staff
 2. Research future decisions to come before the Committee



SUB-COMMITTEE RULES

- Not made up of a quorum of voting members
- Tasks of subcommittee must be administrative in nature
(i.e. something staff would have the authority to do or providing input to staff)
 - Examples include:
 - Researching alternatives to a potential action and putting together a packet of information for the Committee to review,
 - Putting together a draft brochure, website or marketing materials for staff to publish,
 - Planning for and staffing an event / booth,
- Subcommittees may NOT provide recommendations to the Committee without holding a public meeting to come to their recommendation (i.e. deliberate).

SUB-COMMITTEE AUTHORITY

- Actions of sub-committee must be approved by Committee as a whole
- OR
- Authority must be given to subcommittee by Committee action at a publicly held meeting prior to action taking place

OREGON GOVERNMENT ETHICS LAW

- ORS Chapter 244
- Oregon Government Ethics Commission
 - 503-378-5105
 - www.Oregon.gov/ogec



WILL COVER RULES FOR:

- Public Officials
- Prohibited use of office
- Gifts
- Conflicts of interest
- Violations & Sanctions



AM I A PUBLIC OFFICIAL?

- ORS 244.020(14):“Any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for their services.”
- Includes Elected & Appointed Officials, Employees, Members of Boards and Committees and Volunteers



LINDSEY'S ETHICS CLIFF NOTES

- Don't use your position on Committee for personal gain



PROHIBITED USE OF OFFICE (ORS 244.040(I))

- A public official may not use or attempt to use official position or office to:
 - obtain financial gain or avoidance of financial detriment
- Who applies?:
 - The public official, a relative, or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated
- Disclaimer:
 - If the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office (The 'But-For' Test)

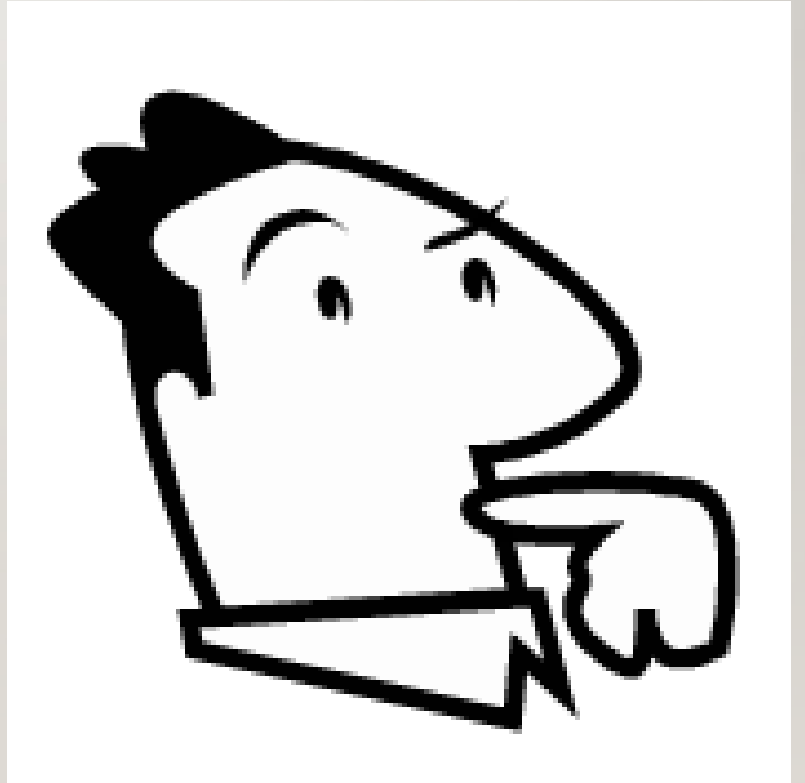
RELATIVE (ORS 244.020(15))



- Spouse
- Children of the Public Official or the Public Official's Spouse
- The following of Public Official or Public Officials Spouse
 - Brother / Sister, Stepbrother / Stepsister, Parent / Step Parent, Son-in-law / Daughter-in-Law
- Anyone for whom the public official has a legal support obligation or provides employment benefits
- Note: Don't forget member of the Public Officials Household
(i.e. anyone living with public official irrespective of relationship)

SIMPLE QUESTION

- Would I have this opportunity if I was NOT a public official?
- If NO – Then Don't Do It



DOES NOT APPLY TO:

- Compensation or Reimbursement
- Unsolicited awards
- Gifts or Honoraria (within limits)

GIFTS (ORS 244.020(6)(A))

- Something of value given to a:
 - Public Official, Candidate, Relative, Or Member of the Household
- Without valuable consideration of equivalent value (i.e. not a trade)
 - Including: Full or partial forgiveness of indebtedness
- Which is not extended to others on the same terms or conditions
- Gifts are limited to \$50 per year, per giver

THE GIFT RULE:



1. You (your relative or member of household)
2. Cannot ask for, receive, or give
3. Or even hint at getting / giving
4. Gifts over \$50 from any single source in one year
5. IF your source has an interest in your official actions: i.e., a decision or vote

A GIFT IS NOT LIMITED IF IT IS A:

- Present from relatives or household members
- Unsolicited award / token of appreciation with a resale value <\$25
- Discounted registration at a professional education event
- Informational material related to your official duties
- Part of a customary private business practice and not related to your public office
- Food, beverage, and entertainment when acting in official capacity (i.e. representing City)

CONFLICTS OF INTEREST

- Lindsey's Cliff Note Definition:
- Situations that affect your ability to make a decision in an ethical manner



ORS 244.020(12) DEFINITION:

- Any action or any decision or recommendation by a person acting in a capacity as a public official
- The effect of which would/could
- Be to the private pecuniary (*financial*) benefit or detriment of:
- The person or the person's relative or any business with which the person or relative of the person is associated

“BUSINESS WITH WHICH PERSON IS ASSOCIATED”

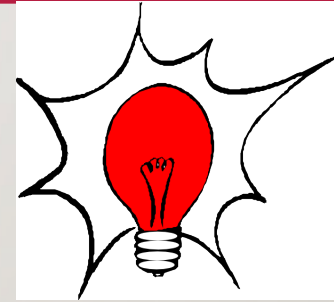
- Any private business in which you or a relative are:
 - an owner, director, officer,
 - Employee, or
 - in which you or a relative has \$1,000+ worth of interest
- Any publicly held corporation in which you or a relative has:
 - \$100,000 of interest, or
 - an officer / director



TWO TYPES OF CONFLICTS

- Actual Conflicts

- Would result in financial benefit or detriment



- Potential Conflicts

- Could results in financial benefit or detriment



HOW TO DEAL WITH A CONFLICT

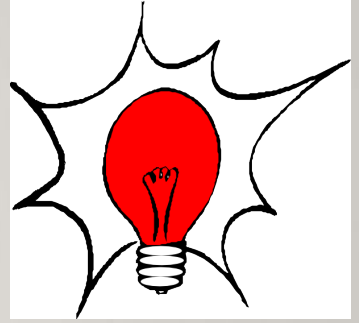
(BOTH ACTUAL  & POTENTIAL )



When in doubt: Shout it Out!

- State the nature of your conflict
- Do it **before** voting or discussing the manner
- Do it **on the record**
- Do it **each meeting** issue is discussed

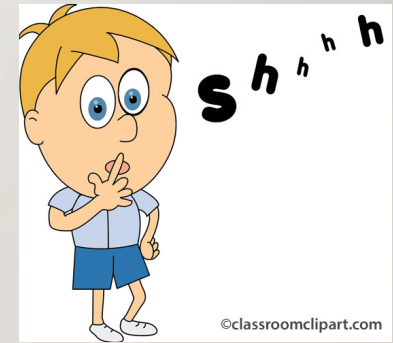
IF ACTUAL CONFLICT OF INTEREST



When in doubt: Shout it Out...and then....

In addition to Declaring the conflict:

- **No** talking and **No** voting
- Unless Agency cannot act without you (but still no talking)
- We recommend you leave the room during agenda item



DISCLAIMERS:

It is **Not** a conflict if the financial benefit happens because of:

- Membership in a class (any large, distinguishable group of citizens that the Oregon Government Ethics Commission determines is a class – *must be submitted in advance to OGEC*)
- Membership in a non-profit (501c status)

SANCTIONS

- Civil penalty = Up to \$5,000 per violation
- Forfeiture = twice the amount of financial benefit realized
- Letters of reprimand, explanation or education

RESOURCES & INFORMATION

Oregon Government Ethics Commission

3218 Pringle Rd SE, Suite 220

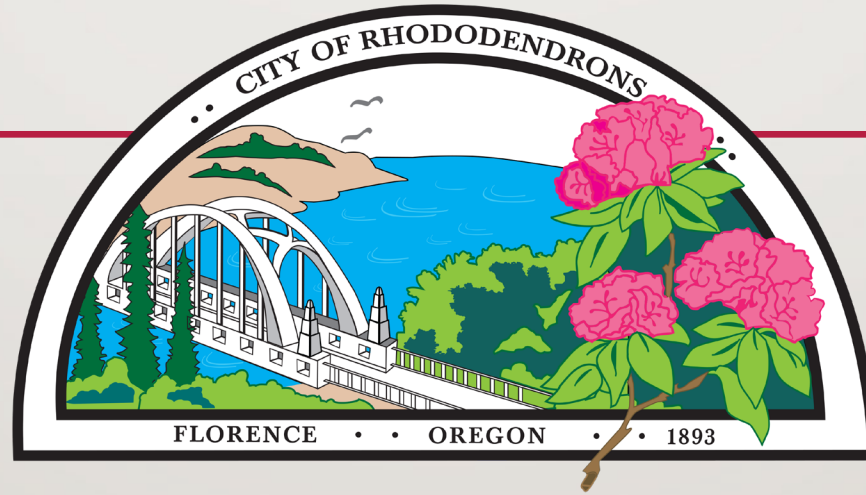
Salem, OR 97302

(503) 378-5105

(503) 373-1456 — Fax

ogec.mail@state.or.us — E-mail

ogec.state.or.us - Web



City of Florence
A City in Motion

CITY'S FRAUD POLICY



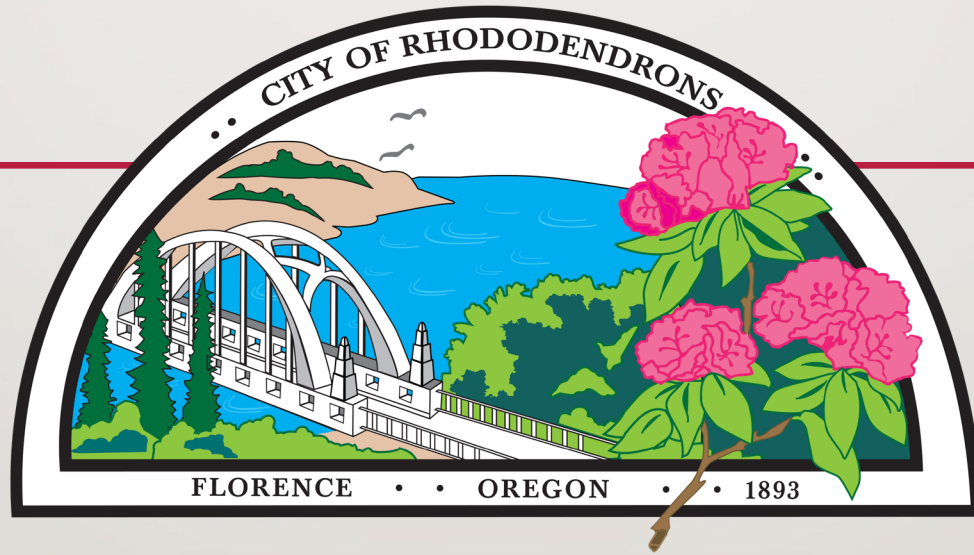
FRAUD

- Purpose: Codify and communicate the City's commitment to the highest standards of moral and ethical behavior for its employees, elected and appointed officials, and volunteers.
- What's Contained: Details responsibilities and procedures for reporting, investigating, and resolving suspected acts of fraud, theft, waste, abuse and ethical misconduct.
 - Examples:
 - Unauthorized use or willful destruction of City Equipment / Supplies
 - Accepting or seeking anything of material value from contractors or vendors
 - Many More.....

FRAUD POLICY - IMPLICATIONS

- If you see a violation,
you are required to report it
 - City will then investigate the activity in accordance with policy.
 - Suspected or detected violations must be reported to City Manager, Human Resources, or Mayor.
(Can report to Staff Ex-Officio as well)





City of Florence
A City in Motion

NON-DISCRIMINATION / NON-HARASSMENT

- Purpose: Affirm the City's commitment to equal employment opportunity and to providing a discrimination, harassment, and bully free work environment for all employees, elected and appointed officials and volunteers.
- The City is *legally* responsible for the acts of:
 - It's supervisors, managers, elected officials, and volunteers
 - Residents / taxpayers, vendors, and other outsiders who interact with the Organization's employees and volunteers as part of the employees' / volunteers jobs

BULLYING & MICROAGGRESSIONS

- **Subtle:** The comments are usually subtle – which is what makes this hard for some people to realize what they said.
- **Acts:** They are things people say and do - again often not intended
- **Exclusion:** They create exclusion of people
- Examples:
 - ‘Everyone knows Asians are Smart!’
 - The ‘Girls in the Office’
 - Using ‘gay’ to describe something you don’t like.

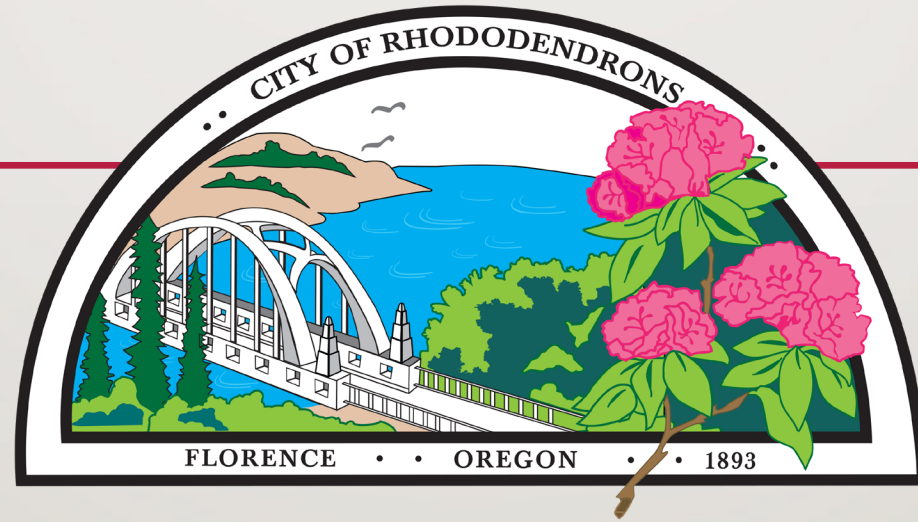
Employers (the City) may not refuse to hire, discharge, or otherwise discriminate against any individual with respect to compensation, or terms, conditions, or privileges of employment because of that individual's ...



COMMON CLAIMS AGAINST PUBLIC OFFICIALS

1. Employment decisions: termination, layoff
2. Defamation
3. Causing a “hostile work environment” for staff
 - Usually outside the scope of your authority
4. Failure to provide due process when terminating





City of Florence
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CODE OF CONDUCT

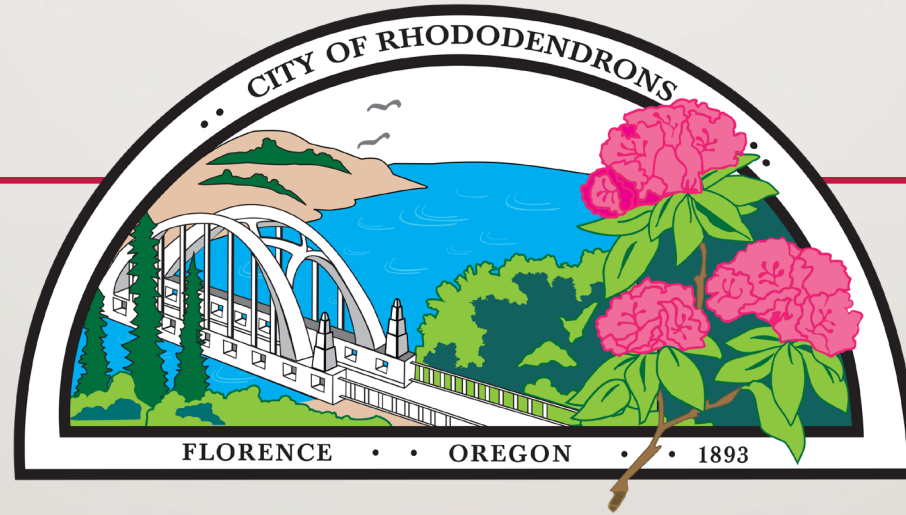
- Purpose: The purpose of the policy is to protect the health, safety, and welfare of citizens, staff, and officials present inside City buildings.
- What is contained in the policy: All members of the public have the responsibility to use City facilities in a manner that doesn't...
 - Interfere with the rights of others to access or use City facilities;
 - Limit or impair the ability of City staff to conduct City business; or
 - Threaten the safety and security of any public city facilities

EXAMPLES OF CODE OF CONDUCT VIOLATIONS

- Creating an unsafe or insecure environment;
- Engaging in conduct that makes a reasonable person feel uncomfortable;
- Threatening conduct that may damage City property;
- Obstructing access to government services;
- Entering or attempting to enter non-public areas without prior authorization from a City staff member;
- Disorderly conduct or behavior

ENFORCEMENT

- Given a warning by City staff and afforded reasonable opportunity to cease or correct their behavior,
- If not corrected, City staff may tell the individual to leave the facility immediately,
 - Given a copy of the code of conduct violation form,
- Failure to leave will result in contact to the Police Department



City of Florence
A City in Motion

STAFF REPORT

COMMUNITY BLOCK PARTY – ROCK PAINTING



COMMUNITY BLOCK PARTY

**CITY OF
FLORENCE**

Old Town Florence
Between Laurel St. & the Bridge
5–10 P.M.

**JULY 14,
2023**

Music, Fun, & Games
for the Whole Family!

Full details at
www.ci.florence.or.us/2023blockparty

FEATURING:



LIVE MUSIC BEGINS AT 6 P.M.

The Public Arts
Committee will once
again lead the
community in running
the rock painting station.

Time commitment
will be from 4:30 to
about 9 p.m.

NEXT MEETING DATES

TENTATIVE MEETING CALENDAR

All PAC Meetings are held on the 4th Monday of the Month. Meetings are held in person at Florence City Hall unless otherwise indicated.

Date	Time	Description
July 14, 2023	4:30 to 9 p.m.	PAC Leads Rock Painting at the Community Block Party
July 24, 2023	5:30 p.m.	PAC Meeting
August 28, 2023	5:30 p.m.	PAC Meeting

CHAIR'S REPORT
MAGGIE BAGON

SHORE PINES AT MUNSEL CREEK CALL FOR ART



CALL FOR ARTISTS

Shore Pines at Munsel Creek Affordable Housing Development

APPLICATION OPENS: JUNE 12, 2023
APPLICATION DEADLINE: JUNE 30, 2023

4 LOCATION OPTIONS

Panels at entrance to each building
42 sf - \$3,000 artist budget*
56 sf - \$4,000 artist budget

Sculpture near site entrance
Unspecified size - \$5,000 artist budget

Paintings/Photographs in common areas
Unspecified size - \$1,000 total budget

*Artist budgets are inclusive of time, materials, and install.

For more details on program and how to apply please go to
nwhousing.org/artist-call-for-shore-pines or email
ferguson@nwhousing.org



Northwest
Housing
Alternatives

THANK YOU



PUBLIC COMMENTS – 3 MINUTE COUNT DOWN TIMER

2 Minutes Left

1 Minute Left

30 Seconds Left

Time is Complete

CONTINUING EDUCATION