

**Joint General Government Committee/Public Arts Commission Meeting
North Adams, Massachusetts**

Meeting Minutes

August 27, 2018

The General Government Committee and North Adams Public Arts Commission held a joint public meeting on Monday, August 27, 2018 in the City Council Chambers at North Adams City Hall, 10 Main Street, North Adams.

General Government Committee Members Present:

Eric Buddington, Chair
Rebecca Cohen
Paul Hopkins

General Government Committee Members Absent:

none

Public Arts Commission Members Present:

Julia Dixon, Chairperson
Derek Parker
Bryan Sapienza

Public Arts Commission Members Absent:

Eric Kerns, Vice Chairperson
William Blackmer, Secretary
Cynthia Quiñones

Also Present:

Mayor Thomas Bernard
Councilor Jason LaForest
Councilor Wayne Wilkinson
Vincent Melito
Barry Goldstein
Tammy Daniels
Adam Shanks

CALL TO ORDER

General Government Committee Chair Buddington called the meeting to order at 6:02 p.m. to no objections by the public. Buddington noted that the meeting was being recorded.

BACKGROUND

Buddington provided a brief explanation for the reason behind the joint meeting of City Council's General Government Committee and the Public Arts Commission. At the August 14, 2018 City Council meeting, Mayor Bernard put forth a series of revisions to the Public Arts Commission's ordinance. Councilors asked the General Government Committee to review the revisions, which will then make a

recommendation to the full council at its second meeting in October, scheduled for Tuesday, October 23, 2018.

WRITTEN PUBLIC COMMENTS

No written public comments were submitted to the city clerk in advance of the meeting.

VERBAL PUBLIC COMMENTS

Spurred by Councilor Wilkinson's request to understand why the ordinance was changed, Mayor Bernard explained that the ordinance revisions were made because of the new contract that was developed between the city and artists or commissioning organizations for public art. He amended his revisions further, saying the language he added involving the term of installation could be removed, and he would change the word "approval" to "acceptance." He relayed that, after speaking with city solicitor KP Law, the contract should be signed by city administration and the Public Arts Commission. Mayor Bernard underscored that his revisions reflect procedural clarification.

There was brief discussion about other city commissions and their similarities and differences to the Public Arts Commission.

After a question from Councilor Wilkinson about whether the ordinance gives the Public Arts Commission gift approval, members of the public then discussed Section 29 of the city charter which requires contracts involving \$2,000 or more be approved by the mayor. Mayor Bernard argued that a public artwork will require maintenance which would likely cost over \$2,000. Dixon questioned whether the charter's language refers to the price, value, or ongoing cost of an artwork. She also countered that the Public Arts Commission was not given a budget, therefore can neither assess nor carry out maintenance of any public artwork. It was suggested that the value of an artwork be added to the contract. LaForest commented that he was unhappy with the negative rhetoric of the meeting.

DISCUSSION

Buddington summarized the comments, saying the ordinance revisions give the mayor veto power over the acceptance and ownership of a public artwork. LaForest argued that the veto power should rest with City Council, but believed the proposed changes are reasonable, to which Councilor Wilkinson agreed. Dixon reiterated the current process of allowing a quorum of 7 appointed commissioners to accept public artworks is the best practice. She then shared the statement in favor of the Public Arts Commission retaining contracting and approval authority which 5 commissioners voted to approve at its August 23 meeting. Sapienza added that the public is afraid of censorship.

Cohen asked for other concerns the Public Arts Commission had about the ordinance revisions. Dixon questioned what was meant by the word "approval." Mayor Bernard said that refers to the acceptance of the contract which would not change with the contract signer. It was clarified that any liability rests with the city, not the board or commission which requires the contract.

Buddington suggested that, in the "Powers and Duties" section, language regarding the acquisition, installation, and removal be clarified and consistent. Hopkins wondered whether the Public Arts Commission would accept the term "execute" over "approve."

Dixon reminded the attendees that former mayor Alcombright's intentions were to control the "canvas," not the public art process. There are two ways the mayor is currently involved in the process: to approve any city-owned property for public art use and to appoint commissioners. Mayor Bernard said the ordinance should reflect the fact that the mayor approves the use of city property for public art.

There was a brief discussion about shared responsibility. Cohen asked Mayor Bernard if he would like to be involved with public art. He responded that the Public Arts Commission serves this function and reiterated his interest in distinguishing democratic process from procedure. Dixon asked for an acknowledgment that the implications of the mayor's revisions reach beyond procedure. Vincent Melito questioned why the City Council did not have these discussions when the original ordinance was passed in 2015. Buddington will summarize the City Council's discussions about the original Public Arts Commission's ordinance for a future General Government Committee meeting.

In summary, LaForest commented that the Public Arts Commission is not an elected body, therefore the City Council should have mediating and/or override power over the commission. He expressed concern that the ordinance writes the City Council out of function.

SET NEXT MEETING TIME AND DATE

No other joint meeting between the General Government Committee and the Public Arts Commission is scheduled to take place regarding this topic.

ADJOURNMENT

With no other business to discuss, Hopkins moved to adjourn the meeting at 7:02 p.m. Cohen seconded. All voted in favor. None opposed.

Respectfully submitted,

Julia Dixon
Chair, North Adams Public Arts Commission