ORDINANCE NO. O2017.28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING CHAPTER 2, ARTICLE V, DIVISION 3, TEMPE CITY CODE, RELATING TO BOARDS, COMMISSIONS, ETC., MUNICIPAL ARTS COMMISSION, BY AMENDING SECTION 2-200, RELATING TO ESTABLISHMENT; COMPOSITION, BY AMENDING SECTION 2-203, RELATING TO OFFICERS; AND BY AMENDING SECTION 2-204, RELATING TO POWERS AND DUTIES.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That Chapter 2, Article V, Division 3, Section 2-200 of the Tempe City Code is hereby amended to read as follows:

DIVISION 3. MUNICIPAL ARTS AND CULTURE COMMISSION

Sec. 2-200. Establishment; composition.

(a) There is hereby established a Tempe municipal Arts AND CULTURE Commission for the City to be composed of thirteen NINE (139) members WHO EITHER LIVE OR WORK OR ATTEND SCHOOL IN TEMPE.

(b) The Community Services Director or his designee shall serve the commission in an advisory capacity.

(B) THE COMMISSION’S MEMBERS SHALL BE FROM THE FOLLOWING CATEGORIES, HOWEVER, NO MORE THAN THREE (3) MEMBERS CAN FILL THE SAME CATEGORY:

(1) PRACTICING ARTISTS FROM VARIOUS DISCIPLINES.

(2) K-12 ARTS AND CULTURE TEACHER OR K-12 AFFILIATE OR TEACHING ARTIST.

(3) AFFILIATE FROM THE ARIZONA STATE UNIVERSITY HERBERGER INSTITUTE FOR DESIGN AND ARTS.

(4) URBAN PLANNER OR DESIGNER OR ARCHITECT OR HISTORIAN.
(5) STUDENT FROM A POST-SECONDARY SCHOOL (ONE-YEAR TERM).

(6) REPRESENTATIVE FROM A BUSINESS OR ORGANIZATION THAT SUPPORTS ARTS AND CULTURE.

(7) TEMPE RESIDENTS WITH AN INTEREST IN ARTS AND CULTURE.

(C) IN ADDITION TO THE TERMS OF OFFICE AS SPECIFIED IN SECTION 2-182 OF THIS ARTICLE, THE STUDENT MEMBER SHALL ONLY SERVE A ONE-YEAR TERM.

(D) SHOULD CIRCUMSTANCES CHANGE DURING THE COURSE OF THE TERM OF A DULY APPOINTED AND APPROVED COMMISSION MEMBER SO THAT THE MEMBER NO LONGER QUALIFIES UNDER THE CRITERION UNDER WHICH THE MEMBER WAS APPOINTED, AS SPECIFIED BY SUBSECTIONS (B) (1) – (7), ABOVE, THAT MEMBER MAY CONTINUE TO SERVE UNTIL SUCH TIME AS A SUCCESSOR IS DULY APPOINTED AND APPROVED OR UNTIL THE MEMBER’S TERM EXPIRES, WHICHEVER OCCURS FIRST.

(E) THE COMMUNITY SERVICES DIRECTOR OR DESIGNEE SHALL SERVE THE COMMISSION IN AN ADVISORY CAPACITY.

Section 2. That Chapter 2, Article V, Division 3, Section 2-203 of the Tempe City Code is hereby amended to read as follows:

Sec. 2-203. Officers.

The officers of the commission shall be selected by the commission members by at the first meeting of the commission following the thirty-first day of December 31 of each year, and shall serve until the thirty-first day of December of the next succeeding year TO BEGIN THEIR TERM IN THE FOLLOWING JANUARY. TERMS SHALL BE JANUARY THROUGH DECEMBER. No officer shall serve in the same capacity for more than two (2) consecutive one (1)-year terms.

Section 3. That Chapter 2, Article V, Division 3, Section 2-204 of the Tempe City Code is hereby amended to read as follows:

Sec. 2-204. Powers and duties.

The commission shall have the following powers and duties:

(1) To assist and advise the City Council, through the Community Services Department, in the development of a municipal arts AND CULTURE plan and any subplans thereto AND TO PROMOTE SUCH PLANS;
(2) To assist and advise the city council, through the community services department, in the establishment of essential policies, rules and regulations relating to the presentation, acquisition, disposition, maintenance, use, care and promotion of public arts within the city;

(2) TO SUPPORT THE CITY’S GENERAL PLAN GOALS RELATING TO ARTS AND CULTURE AND ENCOURAGE DIVERSE CITIZEN PARTICIPATION IN ARTS AND CULTURE PROGRAMS AND INITIATIVES;

(3) To recommend to the city council, through the community services department, a yearly update to the municipal arts plan based upon projected revenues from the municipal arts fund. Revenue projections will be supplied to the commission by the city’s community services director. The plan will include recommended programs and activities as well as proposed sites for placement of public art and estimated cost of purchases for each site. The plan will be updated annually in conjunction with the city’s annual budget process;

(3) TO ADVISE CITY STAFF ON ARTS AND CULTURE PROGRAMS, PROJECTS, POLICIES AND INITIATIVES;

(4) To recommend to the city council, through the community services department, a method or methods of selecting and commissioning artists; and

(4) TO ADVISE THE CITY COUNCIL, THROUGH THE COMMUNITY SERVICES DEPARTMENT, IN ARTICULATING THE VISION FOR AND EXPLORE THE CRITICAL ISSUES RELATING TO ARTS AND CULTURAL DEVELOPMENT BASED ON PROJECTED ARTS AND CULTURE FUNDING.

(5) To recommend to the city council, through the community services department, the selection and commissioning of artists for the placement of works of art on public sites approved by the city council. Recommendations will include estimates of all costs, including any operational and maintenance costs.

Section 4. Implementation.

(A) No sitting member of the Commission shall be removed from office by operation of this ordinance prior to the expiration of the member’s term, the member’s resignation, or the member’s removal from office as otherwise provided by law.

(B) The Commission shall continue to meet and act with the duly-appointed and approved members constituting the membership of the Commission until such time as expirations of term, resignations, or other provisions of law reduce the membership of the Commission to the number of members specified in this ordinance.
Section 5. Pursuant to Tempe City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA this ____ day of ________________, 2017.

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Mark W. Mitchell, Mayor

ATTEST:

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Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

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Judith R. Baumann, City Attorney