

OFFICIAL RECORD

CITY OF SOUTHLAKE ORDINANCE NO. 908

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, BOARDS AND COMMISSIONS, OF THE SOUTHLAKE CITY CODE BY ADDING A NEW DIVISION 6 TO ESTABLISH THE SOUTHLAKE ARTS COUNCIL; PROVIDING FOR THE NUMBER, QUALIFICATIONS AND TERMS OF MEMBERS OF THE ARTS COUNCIL; PROVIDING FOR ALTERNATE AND EX-OFFICIO MEMBERS; PROVIDING FOR MEETINGS AND BY-LAWS OF THE ARTS COUNCIL; PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THE ARTS COUNCIL; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Southlake, Texas, is a home rule City acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, as the City of Southlake desires to establish the Southlake Arts Council as an advisory board to the City Council on all matters relating to public art including visual art and performing art programs and facilities, the use of city funds for art projects and facilities, and the creation of a performing arts facility.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTHLAKE, TEXAS:

SECTION I.

That Chapter 2, "Administration", Article V, "Boards, Commissions and Committees" of the Southlake City Code is hereby amended by adding a new Division 6 which shall read as follows:

DIVISION 6. SOUTHLAKE ARTS COUNCIL.

Sec. 2-255. Creation.

There is established an advisory board to be known as the Southlake Arts Council (hereinafter referred to as the "Arts Council").

Sec. 2-256. Number of members, qualifications and terms; alternate and ex-officio members.

(a) The Arts Council shall consist of seven regular members, each of which shall be a citizen of the City at all times while serving on the Arts Council. Places on the arts council shall be numbered one through seven. Each member shall be appointed by the City Council by

majority vote, and shall serve without compensation for a two-year term, or until their successors are appointed, whichever is longer, with odd-numbered places being appointed in odd-numbered years, and even-numbered places being appointed in even-numbered years, provided, however, that the initial term of the even-numbered places shall be one-year, or until their successors are appointed, whichever is longer.

(b) In addition to the regular members, the City Council may appoint up to three citizens of the City as alternate members who shall serve in the absence of one or more regular members. Alternate members may be appointed at any time regular members are appointed and there is a vacancy, and shall be appointed for terms of two years. The city staff secretary who is assigned to perform work for the arts council shall notify alternate members when they are needed to serve in the place of absent members. In the event of an absence of one or more regular members, the alternate member with the most seniority and who is present shall sit as a regular member, so that the full number of members shall be able to participate.

(c) The City Council may also appoint ex-officio members to serve as nonvoting advisors to the Arts Council. Such ex-officio members may include, but are not limited to the design architect and/or engineer, or the city's project manager. Ex-officio members are not required to be citizens of the City.

Sec. 2-257. Meetings and by-laws.

As soon as practicable after the annual appointment of new arts council members by the city council, the arts council shall elect from its members a chair, vice-chair and secretary to serve until the next annual appointment of new arts council members. Should the positions of any such officers become vacant, the arts council shall hold a special election to fill such vacancy for the duration of the unexpired term. Meetings of the arts council shall comply with Chapter 551, Texas Government Code, the Open Meetings Act. The arts council shall adopt by-laws to govern the holding of its meetings which, at a minimum, shall include the following:

- (1) Schedule for holding of regular meetings.
- (2) Manner of holding and calling of special meetings.
- (3) Majority of members shall constitute a quorum.
- (4) Members not planning to attend a regular meeting or special meeting shall notify the chair of the arts council and the city staff secretary who is assigned to perform work for the arts council by 12:00 noon of the day proceeding the meeting day.
- (5) Any member with unexcused absences from two consecutive regular meetings or not exhibiting interest in the work of the arts council shall be reported to the city council which may, at its discretion, remove the member and appoint a replacement.
- (6) Minutes of each meeting of the arts council shall be filed with the city secretary.

Sec. 2-258. Duties and responsibilities.

(a) The purpose of the arts council is to act as an advisory board to provide input and advice to the city council on all matters pertaining to public art including visual art and performing art programs and facilities, including the incorporation of art into the design of selected city projects and the commissioning of art pieces for public spaces and facilities, and the use of city funds for art projects and facilities.

(b) The arts council shall make recommendations to the city council concerning the following matters related to the city's arts policy:

(1) Overall policies for implementing the arts policy and public art projects, taking into consideration the policy's purposes and goals and established general criteria, with a focus on the development, promotion, and preservation of aesthetic excellence in city public spaces.

(2) Any proposed changes which the arts council thinks are necessary to previously established policies in order to maintain consistency of review and implementation.

(c) The arts council shall make recommendations to the city council concerning the following matters related to the budget and financing for the arts:

(1) Establishment of a public art budget for inclusion in the annual budget of city funds including a budget for visual art, the performing arts and capital projects (facilities) related to the arts.

(2) Grants for the arts or art facilities that may be available to the city.

(d) The arts council shall make recommendations to the city council concerning the following matters regarding public art project management:

(1) Appropriate elements to be included in specific proposals for public art projects, including, without limitation, the design, execution, placement, maintenance and ownership of selected artwork. The arts council may employ the public art project guidelines established to assist in this process.

(2) Appropriate methods of artist selection for public art projects; public art project proposal review, selection and oversight; artwork acquisition, display, use, maintenance, storage, and its return, sale or other deaccession, when and if applicable.

(3) Elements to be selected for public art projects including design, execution, placement, maintenance and ownership thereof.

(4) Proposals for public art projects, changes, additions or deletions to such proposals, and recommendations to the city council on the final acceptance or rejection of such proposals

- (5) Community services agreements that the city may make with outside art groups.
- (e) The arts council shall consult with the department of community services and the city council as appropriate throughout each public art project proposal and implementation process, to ensure that the policy is implemented effectively.
- (f) The arts council shall make recommendations to the city council on the following matters regarding the acceptance and placement of art related gifts of state and loans or donations for the arts:
 - (1) Acceptance of donations valued over \$1,000 or loans of artwork to be placed for more than 60 days.
 - (2) Placement of art related gifts of state.
- (g) The arts council shall have authority to accept or reject proposed art donations to the City valued up to \$1,000. At the discretion of the arts council, proposed art donations valued up to \$1,000 may be forwarded to the City Council for a decision concerning whether to accept or reject the proposed donation
- (h) The arts council shall make recommendations to the city council on the following matters regarding a performing arts center:
 - (1) Development of a building program, construction budget and budget priorities for a performing arts center.
 - (2) Selection of professionals to assist in the design, development and construction of a performing arts center.
 - (3) A concept plan for a performing arts center.
 - (4) Award of construction contract(s) for a performing arts center.
 - (5) Approval of change orders to construction contract(s) for a performing arts center in accordance with state bid limits or purchasing policy limits.
- (i) The arts council shall accept and fund from the budget, if any, provided the Arts Council by the City Council public arts projects as deemed appropriate by the Arts Council, provided such public arts projects are consistent with this Division and the policies regarding public art established by the City Council.

SECTION II

Provisions Cumulative

This ordinance shall be cumulative of all provisions of ordinances of the City of Southlake, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION III

Provisions Severable

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION IV

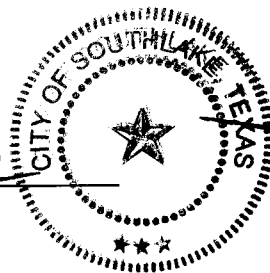
Effective Date

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON FIRST READING ON THIS 1st DAY OF May, 2007.

ATTEST:

Lou Payne
CITY SECRETARY

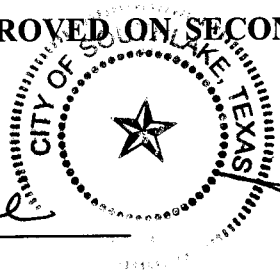


[Signature]
MAYOR

PASSED AND APPROVED ON SECOND READING ON THIS 15th DAY OF May, 2007.

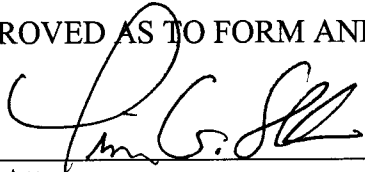
ATTEST:

Lou Payne
CITY SECRETARY



[Signature]
MAYOR

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Date: June 19, 2007

ADOPTED: May 15, 2007

EFFECTIVE: May 18, 2007