



January 20, 2011

Ms. Sandy Hart  
City of McKinney  
221 N. Tennessee Street  
McKinney, TX 75069

Dear Ms. Hart,

It is with great disappointment that I must submit my resignation from the McKinney Arts Commission. I recently requested information and received the following statement from City Attorney Mark Houser regarding my eligibility for the Commission based on the McKinney ordinance:

The key to your status on the Commission relates to the tax-exempt status of the Heard Craig Center for the Arts. Since the ordinance provisions on eligibility state "... **is eligible or may be eligible...**", the Internal Revenue Code ("IRC") Section 501(c)(3) status of your organization is the determining factor. IF your organization does not have IRC non-profit status (i.e. is NOT a 501(c)(3) organization), then it is not eligible and could not be eligible for funding. In this case, you would meet the eligibility criteria of Sec. 2-192 of the McKinney Code (see below). If it does have this status, you could not hold the positions in the ordinance (member, board member, employee or officer) for your organization simultaneously with your service as a commissioner on the Commission.

Sec. 2-192. - Commissioners and appointment.

There shall be seven commissioners of the McKinney Arts Commission. The commissioners shall be residents of the city. The commissioners of the arts commission shall be appointed by the city council and shall serve at the pleasure of the city council without compensation. Any commissioner may be removed by the city council at any time, with or without cause. **No commissioner shall be a member, board member, employee, or officer of any organization which is eligible or may be eligible to seek a commission recommendation for arts funding by the city.** No entity or organization shall be eligible to apply for or receive a recommendation for funding from the arts commission if a seated commissioner is a member of such entity or organization.

(Code 1982, § 2-122; Ord. No. 2005-01-008, § 1, 1-18-2005; Ord. No. 2005-03-023, § 2, 3-1-2005)

The Heard-Craig Center for the Arts is a 501(c)3 non-profit organization with an arts related mission so I am ineligible to serve at this time. **It is my hope that the McKinney City Council will review and amend the ordinance so that those involved with the arts on a daily basis may serve on the McKinney Arts Commission.** During my time on the commission our organization would not have applied for funding nor have we in the past. Serving on the Commission has been a tremendously rewarding experience for me and I greatly appreciate the opportunity.

Sincerely,

Barbara Johnson  
Heard-Craig Center for the Arts  
Executive Director