

ORDINANCE NO. 2005-03-023

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2005-01-008 TO INCLUDE ADDITIONAL PROVISIONS RELATING TO COMMISSIONERS AND THE APPOINTMENT THEREOF; AND PROVIDING FOR A RESTATEMENT OF THE ENTIRETY OF THE AMENDED ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 18, 2005, the City of McKinney ("City") passed an ordinance to create and establish an arts commission to serve in an advisory capacity to the City Council to make recommendations concerning the resources and needs of the community on the subject of the arts including strategies to encourage community involvement in the arts; and

WHEREAS, the City Council desires to include additional provisions governing the appointment of commissioners to the Arts Commission; and

WHEREAS, the City Council believes it is in the best interest of the citizens of McKinney to amend and restate the ordinance in its entirety for ease of understanding and use by the citizens hereafter;

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

Section 1. That Ordinance No. 2005-01-008 is amended to include an additional provision regarding the appointment of commissioners.

Section 2. That Ordinance No. 2005-01-008 shall hereafter be amended and shall read in its entirety as follows:

Section I. McKinney Arts Commission.

1. *Creation and Establishment.* There is hereby created and established the McKinney Arts Commission ("Arts Commission") in the City of McKinney. The Arts Commission shall report to and act solely in an advisory capacity to the City Council, and shall be governed by the Board and Commission Guidelines and Polices established by the City of McKinney, except where specifically provided otherwise in this ordinance.
2. *Commissioners and Appointment.* There shall be seven (7) commissioners of the 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.
3. *Election of Officers.* The Arts Commission shall elect its own Chairperson and Vice-Chairperson and may create and fill such other offices as may be determined to be required. Election of officers shall be held on the date of the first regular Arts Commission meeting in October of each year, except in 2005 when

elections shall be held as soon as possible upon the City Council's appointment of at least a quorum.

4. *Terms of Office.* After the initial staggered terms are completed, commissioners of the Arts Commission shall serve for a term of two years, unless a commissioner is removed from office, dies or resigns from office prior to the expiration of his term. Appointments to the Arts Commission shall be made in September of each year. Each term shall commence on the date of appointment and end on the date of the first regular Arts Commission meeting in October during the year in which the term expires. The initial commissioners of the Arts Commission, however, shall be appointed in February 2005, and shall serve the following terms: four (4) commissioners shall serve a term of two (2) years and seven (7) months, commencing upon appointment, and terminating on the date of the first regular Arts Commission meeting in October of 2007; and three (3) commissioners shall serve a term of one (1) year and seven (7) months, commencing upon appointment, and terminating on the date of the first regular Arts Commission meeting in October of 2006. No commissioner of the Arts Commission shall serve more than ~~three~~ two (32) consecutive two-year terms.
5. *Rules of Procedure.* The Arts Commission is authorized to establish and adopt rules, regulations, policies and procedures for the conduct of its meetings; however, such rules, regulations, policies and procedures shall be consistent with the general laws of the state, the City Charter and any other ordinances of the City or policies of the City Council. The Arts Commission shall comply with the Texas Open Meetings Act with respect to posting its agendas and holding meetings.
6. *Expenses and Administrative Support.* The City Council may appropriate a budget for use of the Arts Commission in meeting such expenses and expenditures as may be necessary in the exercise of its duties. All Commission expenditures shall be processed through the City Manager's office. The City shall provide to the Arts Commission appropriate and necessary administrative and executive level support to facilitate the official business of the Commission. The City Council shall establish a line item in the City's budget which shall represent an allocation of funds to be expended on arts projects and which shall be the subject of the Arts Commission's periodic recommendations to the City Council.
7. *Meetings.* The Arts Commission shall meet not less than four times annually or at such times as may be deemed necessary by the Commission for the completion of its responsibilities. The initially-appointed commissioners, however, shall meet as often as may be deemed necessary by the Commission for purposes of, but not limited to, developing work plans; creating subcommittees; establishing guidelines, subject to approval by the City Council; and receiving training, including training from outside consultants and experts. A majority of the commissioners (4) of the Arts Commission shall constitute a quorum for transacting business. Any action taken by a majority of the commissioners present, when those present constitute a quorum, at any regular or special meeting of the Arts Commission shall be deemed to be the action of the Commission. ~~The McKinney Community Development Corporation shall appoint a non-voting liaison to the Commission.~~
8. *Duties and Responsibilities.* The Arts Commission shall discharge the following responsibilities:

- (a) Develop cooperation and coordination with private citizens, institutions, agencies and local, regional and national art organizations interested in conducting activities related to the arts.
- (b) Provide and assist in the development of the arts in the City by providing a biannual "state of the arts" assessment to the City Council.
- (c) Make recommendations to the City Council relative to expenditures of budgeted and allocated city funds for the purpose of promoting and sustaining the arts in the City.
- (d) Advise and assist the City Council in connection with proposed arts related programs within the community.
- (e) Provides oversight of the development and management of the Public Art Master Plan.
- ~~(d)~~(f) Responsible for fundraising efforts toward the funding of Public Art.

Section II. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect validity of the remaining portions of this ordinance.

Section V. Effective Date.

This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides, and ordinance No. 2005-01-008 is so amended upon the publication hereof.

DULY PASSED BY THE CITY OF MCKINNEY, TEXAS, ON THE 1st DAY OF MARCH, 2005.

APPROVED:

BILL WHITFIELD
Mayor

ATTESTED TO:

SANDY HART, CMC
City Secretary
BEVERLY COVINGTON
Deputy City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney