

ORDINANCE NO. O2018.68

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF TEMPE, ARIZONA, AMENDING CHAPTER 2,
ARTICLE V, DIVISION 3, TEMPE CITY CODE,
RELATING TO THE ARTS AND CULTURE
COMMISSION, BY AMENDING SECTIONS 2-200,
ESTABLISHMENT, COMPOSITION, AND 2-204,
RELATING TO POWERS AND DUTIES**

WHEREAS, under the Arizona Constitution, a city with a population of more than 3,500 people is entitled to establish a charter for its government and that a charter city is granted autonomy over matters of local interests;

WHEREAS, the voters of the City of Tempe established the Tempe City Charter in 1964 that vests policymaking in the Tempe City Council; and,

WHEREAS, the Tempe City Council has requested periodic reporting from the Community Services Department, Arts and Culture Division, on expenditures and projected expenditures for arts and culture in Tempe;

WHEREAS, the Community Services Department welcomes recommendations from the Arts and Culture Commission to include expenditures and future projections for arts and culture for the purpose of reporting to the City Council; and,

WHEREAS, the Arts and Culture Commission will provide recommendations to the Community Services Department concerning expenditures and other budget allocations to support the City Council's priorities of strong community connections and promote financial stability and vitality.

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:

Sec. 2-200. - Establishment; composition.

- (a) There is hereby established a Tempe Arts and Culture Commission for the City to be composed of ELEVEN ~~nine~~ (911) members who either live or work or attend school in Tempe.
- (b) The Commission's members shall be from the following categories, however, no more than three (3) members can fill the same category and a minimum of fifty one percent (51%) of the members on the commission shall be Tempe residents:

- (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.
 - (8) INDIVIDUAL WITH EXPERTISE IN ORGANIZATIONAL DEVELOPMENT, PUBLIC POLICY, FINANCIAL ANALYSIS OR ACCOUNTING.
 - (9) CURRENT OR FORMER ARTS AND CULTURE PRESENTER, PRODUCER, ARTS ADMINISTRATOR, CURATOR OR ARTS FACILITY MANAGER.
- (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)—(79), 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.

Sec. 2-204. Powers and duties.

The commission shall have the following powers and duties:

- (1) To advise the City Council, through the Community Services Department, in the development of ~~an~~ PERIODIC UPDATES TO THE arts and culture plan and any subplans thereto and to promote such plans;
- (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 advise city staff on arts and culture programs, projects, policies and initiatives;
- (4) To advise the City Council, through the Community Services Department, in articulating the vision for and ~~explore~~ EXPLORING the critical issues relating to arts and cultural development based on projected arts and culture funding AND THE IMPLEMENTATION OF THE ARTS AND CULTURE PLAN;

- (5) TO ADVISE AND RECOMMEND TO THE CITY COUNCIL, THROUGH THE COMMUNITY SERVICES DEPARTMENT, ANNUALLY ON THE ELEMENTS OF PRIORITIZED, UNIFIED OPERATING AND CAPITAL IMPROVEMENT PROGRAM BUDGETS FOR ARTS AND CULTURE, BASED UPON UNAUDITED FINANCIAL REPORTING PREPARED ON A QUARTERLY BASIS BY THE COMMUNITY SERVICES DEPARTMENT;
- (6) TO ADVISE THE COMMUNITY SERVICES DEPARTMENT ON APPROPRIATE PERFORMANCE STANDARDS AND BENCHMARKS FOR USE IN EVALUATING THE CITY'S ARTS AND CULTURE PROGRAMS BASED ON RECOGNIZED GUIDELINES AND LOCAL PRIORITIES; AND,
- (7) TO RECOMMEND TO THE COMMUNITY SERVICES DEPARTMENT, PUBLIC INVOLVEMENT MECHANISMS TO ASSURE COMMUNITY-BASED ARTS AND CULTURE PROGRAMS, PROJECTS, POLICIES AND INITIATIVES FOLLOW THE ARTS AND CULTURE PLAN.

Section 2. Pursuant to the Tempe City Charter, Section 2.12, this Ordinance shall only be effective upon the canvass of results of the November 6, 2018, Special Election if Proposition No. 417, relating to a transaction privilege and use tax for arts and culture throughout Tempe, is passed by the City of Tempe voters.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this 27th day of September, 2018.

/s/
Mark W. Mitchell, Mayor

ATTEST:

/s/
Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

/s/
Judith R. Baumann, City Attorney