

ORDINANCE NO. 14

SERIES 2015

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING CHAPTER 2 OF THE CRESTED BUTTE MUNICIPAL CODE TO INCLUDE A NEW ARTICLE 8 ESTABLISHING A CREATIVE DISTRICT AND CORRESPONDING CREATIVE DISTRICT COMMISSION AND INCLUDING REQUIREMENTS RELATIVE THERETO

WHEREAS, the Town of Crested Butte, Colorado (the "**Town**") is a home rule municipality duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, various arts organizations in Crested Butte and the surrounding communities have approached the Town Council with a request that it create a creative district and corresponding creative district commission to encourage the placement of artistic work and the development of public arts and culture within Crested Butte;

WHEREAS, the Town Council has determined, after receiving a presentation from Town Staff and Marcie Erion with Colorado Creative Industries on November 16, 2015, and having adopted Resolution No. 28, Series 2015 adopting the Crested Butte Creative District Strategic Plan of 2015 that the development of public arts and culture in Crested Butte would mutually benefit the business and cultural environment of Crested Butte and the surrounding communities and the creation of a creative district and corresponding creative district commission would provide a venue with appropriate guidelines for the placement of works of art within Crested Butte;

WHEREAS, the various arts organizations in Crested Butte and the surrounding communities, in addition to other non-residential artists, have indicated their desire to contribute their artist talents to such creative district and corresponding creative district commission;

WHEREAS, the resources of talented artists throughout Crested Butte and the surrounding communities, as well as non-residential artists, would be beneficial to the social fabric of the broader East River Valley community; and

WHEREAS, the Town Council has found that the creation of a creative district and corresponding creative district commission will, in addition to providing a venue with appropriate guidelines for the placement of works of art within Crested Butte, lead to the development of public arts and culture in Crested Butte that will mutually benefit the business and cultural environment of Crested Butte and the surrounding communities, and such district and commission are therefore in the best interest of the environment and the health, safety and general welfare of the residents and visitors of Crested Butte, thus necessitating the adoption of this ordinance establishing the Crested Butte Creative District and Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. Adding a New Article 8 to Chapter 2 of the Code. A new Article 8 is added to Chapter 2 of the Crested Butte Municipal Code, with such Article shall read as follows:

“ARTICLE 8

Creative District and Commission

Sec. 2-8-10. Creation.

There is hereby established pursuant to C.R.S. § 24-48.5-314 a Crested Butte Creative District (CBCD) and corresponding CBCD creative district commission, known as the “CBCD Commission” to create and nurture a climate and conditions in the Crested Butte community in which the arts and culture can develop and thrive.

Sec. 2-8-20. CBCD Commission.

The CBCD Commission members shall be appointed by the Town Council.

Sec. 2-8-30. Purpose.

The CBCD Commission shall undertake the following tasks and responsibilities:

- (1) Create and implement a public arts policy.
- (2) Prepare and maintain a strategic plan for the CBCD.
- (3) Make recommendations to the Town Council regarding the implementation of the CBCD strategic plan.
- (4) Establish guidelines for the placement of works of art within Crested Butte.
- (5) Maintain a sustainable funding source for future projects in the CBCD.
- (6) Make recommendations to the Town Council on the placement of public art and other cultural amenities on public property and public rights-of-way. The CBCD shall not review projects or applications respecting private property.
- (7) Expend funds no greater than \$2,500.00 to further the mission of the CBCD. The CBCD shall make recommendations to the Town Council on the expenditure of

funds greater than \$2,500.00, the decision over which shall lie exclusively with the Town Council.

(8) Coordinate and cooperate with the other governments, organizations, nonprofits, businesses and other entities to promote the arts and creative sector for the purposes of education, marketing and programing relative to the CBCD. The CBCD Commission shall only serve in an advisory capacity in promoting the arts and creative sector and shall respect the authority and roles of such governments, organizations, nonprofits, businesses and other entities in implementing the CBCD's strategic plan unless otherwise directed by the Town Council or as authorized herein.

(9) CBCD Commission members shall update the Town Council during public meetings on the efforts of the Commission and its committees.

(10) All activities of the CBCD Commission shall uphold the unique community character and respect the historic context of the CBCD.

Sec. 2-8-40. Members; Term.

(1) The Town Council shall appoint the members of the CBCD Commission. The CBCD Commission shall be comprised of nine members.

(2) A Town Council member shall serve as an ex officio member and shall be the Town's liaison to the CBCD Commission. The CBCD shall also be comprised of three members that represent the arts and creative sector and four members that represent the community at large. The final member shall be the Town Manager or his designee and shall not have voting power. The Town Council member shall only vote in the event of a tie.

(3) Members shall serve without compensation, except for those expenses incurred in connection with the work of the CBCD Commission as approved by the Town Manager or his designee.

(4) Terms of the members shall be three years and shall be staggered so that one third (1/3) of the members shall be appointed each year, provided that the initial appointments in 2016 (1st year of operation) shall be two members for a one-year term, two members for a two-year term and three members for a three-year term. In the event of death, resignation or removal of any member, his or her successor shall be appointed for the duration of the unexpired term.

Sec. 2-12-50. Officers.

(1) Chairperson – The CBCD Commission shall select one of its members to serve as chairperson each year. The chairperson shall preside at meetings of the Commission, arrange for production and presentation of an annual report to the Town Council and meet with

the Town Manager or his designee concerning the implementation of Commission recommendations.

(2) Vice Chairperson – The Commission shall select one of its members as vice-chairperson who shall assume the duties of the chairperson in his or her absence.

(3) Secretary – The Commission shall select one of its members as secretary who shall keep the minutes of commission meetings and make the same available for public inspection at Town Hall. The secretary shall assume such other duties as are assigned by the chairperson.

Sec. 2-8-60. Meetings; Voting.

(1) The CBCD Commission shall meet at least four times per year and may meet more often upon request of the chairperson or a majority of the members or as provided in the Commission's rules of procedure.

(2) Notice of each meeting of the CBCD Commission shall be given no less than five days prior to the date of the meeting to each member, either personally, by mail or E-mail. The Town Clerk shall post notice of all meetings in a similar manner as posting Town Council meetings.

(3) Meetings shall be held at Town Hall, unless the subject of the meeting demands a different venue, in which case notice of the meeting shall contain such alternate location.

(4) A majority of the members of record shall constitute a quorum. In the absence of a quorum at any meeting, the members may adjourn the meeting to a date certain up to 30 days without further notice. The members present at a duly constituted meeting may continue to transact business until adjournment, notwithstanding the withdrawal of enough members yielding less than a quorum.

(5) Each member shall be entitled to vote. When a quorum is present at any meeting, the affirmative vote of a majority of those present shall decide any question brought before such the members.

(6) The CBCD Commission shall adopt its own rules of procedure not inconsistent with the provisions of this Article.

(7) Meetings and records of the CBCD Commission are governed by the Colorado Open Records Act and the Colorado Open Meetings Act.

Sec. 2-8-70 Committees.

The CBCD Commission is authorized to establish and appoint members to committees, including task forces and special projects, as deemed necessary or appropriate, and shall prescribe the duties, functions and duration of each.

Sec. 2-8-80. Record of Proceedings.

CBCD Commission meetings shall have action minutes taken on all voting decisions of the members that shall be available for public inspection at the Town Clerk's office. All recommendations to the Town Council shall be in writing and shall be placed on the next available Town Council meeting agenda for the Town Council's consideration. All necessary agreements, leases, reports or other documentation needed to carry out a recommendation by the CBCD Commission for action by the Town Council shall be prepared by the Town Manager or his designee and reviewed and approved by the Town Attorney prior to being placed on a Town Council meeting agenda."

Section 2. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 3. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision thereof that is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 7^m DAY OF December, 2015.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 21st DAY OF December, 2015.

TOWN OF CRESTED BUTTE, COLORADO

By: 
Glenn Michel, Mayor

ATTEST:


Lynelle Stanford, Town Clerk

(SEAL)

