

ORDINANCE NO. 36

SERIES 2019

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL REPEALING AND REPLACING CHAPTER 2, ARTICLE 8 OF THE CRESTED BUTTE MUNICIPAL CODE TO ESTABLISH A PUBLIC ART COMMISSION IN REPLACEMENT OF THE CREATIVE DISTRICT COMMISSION AND THE REQUIREMENTS RELATED 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; and

WHEREAS, the Town established the Crested Butte Creative District ("CBCD") and the Creative District Commission to carry out much of the strategic plan of the CBCD in partnership with various arts organizations in the Town; and

WHEREAS, the Creative District Commission recommended to the Town Council a restructuring of the administration of the CBCD into a partnership between the Town and Center for the Arts, whereby the Town will establish a Public Art Commission in replacement of the Creative District Commission and the Center for the Arts will coordinate other activities of the CBCD; and

WHEREAS, the Town Council, after receiving multiple presentations from Town Staff and the Creative District Commission, has determined that dissolving the Creative District Commission and creating a new Public Art Commission will result in an operational structure that leads to long-term sustainability of the CBCD by setting it up for success in better achieving its mission and supporting the Crested Butte creative community; and

WHEREAS, the Town Council adopted Resolution 38, Series 2019, an Arts in Public Places Policy with the understanding that a Public Art Commission will be necessary to maintain, implement, and make recommendations on public art; and

WHEREAS, the Town Council has determined that a Public Art Commission, in addition to providing appropriate guidelines for the placement of works of art within the Town will foster the development of public arts and culture in town that will mutually benefit the business and cultural environment of Crested Butte and the surrounding communities;

WHEREAS, The Town Council finds a Public Arts Commission is in the best interest of the health, safety and general welfare of the residents and visitors of the Town, thus necessitating the adoption of this ordinance to establish a Public Art Commission.

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

Section 1. Repealing and Replacing Article 8 to Chapter 2 of the Code. Article 8 in Chapter 2 of the Crested Butte Municipal Code, shall be repealed in its entirety and replaced with the following:

Sec. 2-8-10. Creation.

There is hereby established pursuant to C.R.S. §24-48.5-314, a Crested Butte Creative District (CBCD).

Sec. 2-8-20. Public Art Commission.

A Public Art Commission is hereby established for the CBCD that shall undertake the following tasks and responsibilities:

- (1) Maintain, implement and update the Arts in Public Places Policy (AIPP) for the Town of Crested Butte;
- (2) Approve public art projects, subject to authorization by the Town Council of the expenditure, in an amount not to exceed two percent (2%) of the total project cost of capital improvement projects located within the CBCD or Town Parks;
- (3) Accept and place public art donations;
- (4) Oversee public art maintenance and de-commissioning;
- (5) Agree to public art proposals to be located on Town Property subject to necessary agreements and authorization by Council; and
- (6) Solicit ideas and feedback from the community on public art and creative placemaking.

Sec. 2-8-30. Public Art Commission Members and terms.

The Public Art Commission shall be composed as follows:

- (1) The Public Art Commission shall include seven members appointed by Town Council. One (1) member shall be an employee or board member of the Center for the Arts. Six (6) members shall be appointed from the community at large having an active interest in public art, preserving the sense of place of the Town's public spaces, and in the mission of the CBCD. In appointing members, the Town Council shall seek to appoint members with past experience in art jurying and shall strive for representation of diverse community interests. A Town Council member shall serve as an ex officio member and shall be the Town's liaison to the Public Art Commission. The Town Council member shall only vote in the event of a tie.
- (2) Members shall serve without compensation, except for those expenses incurred in connection with the work of the Public Art Commission as approved by the Town Manager or their designee.
- (3) Terms of the members shall be two (2) years and shall be staggered so that that the initial terms of three (3) members shall expire on January 1, 2021 and the initial terms of four (4) members shall expire on January 1, 2022, provided that the initial appointment occurs in 2020 (1st year of operation). 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. 2-12-40. Officers.

- (1) Chairperson - The Public Art 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 Staff liaison concerning the implementation of the Arts in Public Places.
- (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 Town staff liaison shall serve as secretary who shall keep the minutes of Commission meetings and make the same available for public inspection at Town Hall.

Sec. 2-8-50. Meetings and voting.

- (1) The Public Art Commission shall meet at least four (4) times per year and may meet more often upon request of the chairperson or a majority of the members.
- (2) Notice of each meeting of the Public Art Commission shall be given no less than five (5) 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 the same 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) Four (4) members of the Public Art Commission shall constitute a quorum. In the absence of a quorum at any meeting, the members may continue the meeting to a date certain up to thirty (30) days without further notice.
- (5) Meetings and records of the Public Art Commission are governed by the Colorado Open Records Act and the Colorado Open Meetings Act.

Sec. 2-8-60. Record of proceedings.

(1) Public Art 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.

(2) Decisions by the Public Art Commission shall be in writing and forwarded to the Town Council.

Sec. 2-8-80. Action by Town Council

Following the decision by the Public Art Commission and review by the Town Attorney, the Town Manager shall place on the agenda of the Town Council for

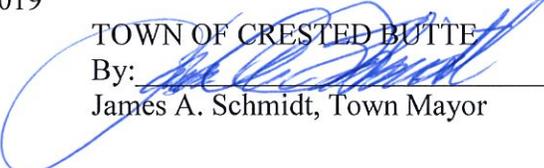
approval all necessary funding requests, and agreements, leases, or other documentation needed to carry out the decisions of the Public Art Commission.

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 16th DAY OF September 2019

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS 7th DAY OF October, 2019

TOWN OF CRESTED BUTTE
By: 
James A. Schmidt, Town Mayor

ATTEST:
BY: 
Lynelle Stanford, Town Clerk

