

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 2, CHAPTER 2.94, SECTION 2.94.040 OF THE STOCKTON MUNICIPAL CODE TO ADD A YOUTH COMMISSIONER TO THE STOCKTON ARTS COMMISSION AND REMOVE STANDING COMMITTEE FROM THE STOCKTON ARTS COMMISSION.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

**SECTION I. AMENDMENT OF CODE.**

Title 2, Chapter 2.94, Section 2.94.030 of the Stockton Municipal Code is hereby amended to read as follows:

**2.94.030 Definitions.**

“Annual art plan” means a plan developed by the Stockton Arts Commission on an annual basis which describes the Commission’s goals for the year and includes any initiatives, programs, and public art projects along with funding requests for each. The plan shall be submitted as part of the City’s annual budget process and be approved by the City Council.

“Annual report” means a document submitted annually to the City Council setting forth the Commission’s completed activities for the prior year and setting forth goals for the coming year.

“Artist” means a practicing professional skilled in the design and/or creative production of aesthetic objects whose qualifications are demonstrated by recognition or stature within their field, and/or through reputation, recognition, and/or exhibitions.

“Public art collection” means all City-owned artworks.

“Public Art Fund” means a separate account which is established by the City to receive monies appropriated to the Public Art Program.

“Public Art Program” means, generally, the processes and approach to establishing art elements in public projects and public places as established hereby and to projects funded through the Public Art Fund.

**SECTION II. AMENDMENT OF CODE.**

Title 2, Chapter 2.94, Section 2.94.040 of the Stockton Municipal Code is hereby amended to read as follows:

#### **2.94.040 Membership.**

A. The Commission shall be composed of 7 members, including one Youth Commissioner, appointed by the Mayor with the approval of the City Council.

B. Each member of the Commission shall hold office for a term of four (4) years, except that:

1. The City Council may by written policy institute terms of less than four (4) years initially and whenever necessary in order to create staggered vacancies; and

2. Any member appointed to fill the vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed, shall be appointed for the remainder of such term.

3. The Youth Commissioner shall hold office for a term of one (1) year, from July 1<sup>st</sup> through June 30<sup>th</sup>.

C. Any vacancy in the Commission shall not affect its power but shall be filled in the same manner in which the original appointment was made.

D. In addition to the Mayor, the City Manager and the City Attorney, such other persons as may be designated as ex officio members without vote by the Mayor with advice of the City Council shall be selected from any department, office, commission, board, employee or instrumentality of the City to aid, assist and advise the Arts Commission.

E. Each member of the Commission shall, at the time of application and continuously thereafter, be a resident of the City. Failure to reside within the City shall result in automatic forfeiture of the appointment. Written notice of any change of residence shall immediately be filed with the City Clerk.

F. The Youth Commission shall, at the time of application and continuously thereafter, be a resident of the City of Stockton and a Stockton middle school or high school student.

#### **SECTION III. AMENDMENT OF CODE.**

Title 2, Chapter 2.94, Section 2.94.060 of the Stockton Municipal Code is hereby amended to read as follows:

#### **2.94.060 Organization.**

The Commission shall organize and adopt the bylaws and administrative rules and procedures, consistent with this chapter, to accomplish its purposes. The Commission

shall appoint such officers, subcommittees, or ad hoc committees, as shall deemed by the Commission.

#### **SECTION IV.AMENDMENT OF CODE.**

Title 2, Chapter 2.94, Section 2.94.070 of the Stockton Municipal Code is hereby amended to read as follows:

##### **2.94.070 Powers and duties.**

The powers and duties of the Commission shall be as follows:

A. Establish a regular meeting schedule. In accordance with the Ralph M. Brown Act, all meetings shall be open and public, except as otherwise permitted by law. The Commission shall meet at the call of the chairperson or a majority of the Commission, but not less than once every three (3) months. A majority of the seated members of the Commission shall constitute a quorum. The affirmative votes of a majority of seated members of the Commission are required to take any action. The Commission shall keep an accurate record of its proceedings and actions;

B. Hold deliberations of this Commission in public session; however, this shall not constitute the sessions as public hearings as a matter of right open to participation by members of the general public at large, except at the will of the majority of the Commission;

C. Administer any funds allocated by the City Council in the City's approved annual operating budget for the purpose of offering grants or awards to artists or for other purposes as approved by the City Council in adoption of the Commission's annual report and work plan. These allocated funds are separate and distinct from the City's Public Art Fund;

D. Develop and recommend to the City Council a proposed public art budget and expenditures from the Public Art Fund for each year; review and recommend for City Council the selection of and contracts with artists; and shall generally administer the Public Art Program;

E. The Commission shall develop, or cause to be developed, the City Public Art Master Plan which shall establish the City's policy and guidelines concerning the Public Art Program. The City Council shall review and concur on the Master Plan. The City Council shall review the respective projects and the application of the requirements of Section 2.94.030, et seq., as proposed by the Commission in the Annual Public Art Plan and shall approve or modify said Plan for implementation;

F. The Stockton Arts Commission shall have further responsibility for reviewing and recommending to the City Council, approval and/or acceptance of any artworks proposed to be donated to the City. The Commission shall establish such policies and

guidelines as may be appropriate to facilitate and encourage the donation of artworks of high quality to the City;

G. Recommend ways to maintain and increase the artistic and cultural resources of the City;

H. Solicit private, State and Federal funding available for the fine and performing arts;

I. Initiate, sponsor or conduct, alone or in cooperation with other public or private agencies, programs to further the development and public awareness of, and interest in the fine and performing arts;

J. Advise the City concerning the receipt of or purchase of and display of works of art to be placed on municipal property, except for museums or art galleries;

K. Improve access to the arts through various programs so that the arts are within the reach of persons of all cultural backgrounds and levels of income. The Commission shall especially be concerned for segments of the community in which the arts are lacking and needed;

L. The Commission recommendation shall be advisory only and not binding upon the City Council, all final determinations shall be made by the City Council and to perform such other related duties and functions as the City Council may from time to time direct, or otherwise appoint the Commission to administer or coordinate on behalf of the City.

## **SECTION V. AMENDMENT OF CODE.**

Title 2, Chapter 2.94, Section 2.94.110 of the Stockton Municipal Code is hereby amended to read as follows:

### **2.94.110 Public art funding for City projects.**

A. Appropriations. All appropriations for Public Art shall be made by the City Council, based on the recommendations of the Stockton Arts Commission as part of the annual art plan. Recommendations will coincide, whenever feasible with the annual City budget process. Appropriations may be used for design, selection, acquisition, commissioning, and display of artworks; for maintenance and for administration of the Public Art Program.

B. Public Art Fund. Monies appropriated pursuant to these sections shall be transferred to a special fund designated Public Art Fund, into which monies appropriated under Section 2.94.100(A) shall be deposited. Contributions to the Public Art Program in monetary form from private sources shall be deposited into the Public Art Fund. Disbursements from the Public Art Fund shall be made in accordance with the annual public art plan. Expenditures are subject to approval by the City Manager and the City Council.

## **SECTION VI.AMENDMENT OF CODE.**

Title 2, Chapter 2.94, Section 2.94.120 of the Stockton Municipal Code is hereby amended to read as follows:

### **2.94.120 Public Art Fund—Uses of funds.**

A. Monies allocated hereunder may be used for the selection, design, acquisition, purchase, commissioning, placement, installation, exhibition, and/or display of artworks.

A. Public Art Maintenance Account. An amount equal to five (5) percent of the monies appropriated hereunder shall be deposited into a separate account within the Public Art Fund, to be known as the Public Art Maintenance Account, which shall be used in the maintenance and preservation of artworks in the public art collection.

C. Maintenance.

1. The annual public art plan shall require that any proposed work of art or art element generating operation or maintenance costs beyond the ordinary costs associated with typical project maintenance be accompanied with a detailed fiscal note and plan for funding such costs.

2. The Commission shall be responsible for recommending surveys of the condition of the public art collection. Surveys shall be updated on an as-needed basis but not less than once every five (5) years, and include a report on the condition of each work, prioritized recommendations for the restoration or repair and maintenance of the artworks, estimated costs, and funding source(s). Such repair and maintenance shall comply with any contractual obligations which may have been entered into in the acquisition of those artworks. Funds from the Public Art Fund shall be reviewed annually for priority needs by the Commission, reviewed and approved through the annual budget process, and finally approved by the City Council.

D. Style. The Commission shall recommend and the City Council establish policies and guidelines which ensure over time that the City collection represents a broad range of artistic styles, tastes, and media, that it does not support exclusively artworks of any particular school, style, taste, or medium, and that it takes into consideration affirmative action.

## **SECTION VII. SEVERABILITY**

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions, or applications of the fact which can be given without the invalid provision or application, and to this end the provisions of this act are severable.

**SECTION VIII. EFFECTIVE DATE.**

This ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

ATTEST:

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CHRISTINA FUGAZI  
Mayor of the City of Stockton

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KATHERINE ROLAND, CMC, CPMC  
City Clerk of the City of Stockton