

**CITY OF ALBION  
ORDINANCE #2020-01**

**AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE IV, TO ADD DIVISION 6,  
SECTIONS 2-320 THROUGH 2-327, ARTS COMMISSION**

**Purpose and Finding:**

As the City Council is aware, the Council has previously expressed an interest in the creation of an arts commission to further the development of the city's recreation services. The duties of the commission would include, but not be limited to, advising the city council on matters pertaining to arts programs in the city, promoting arts and culture in the city, implementing a public art program, reviewing artwork proposals, and fundraising. Approval is recommended

THE CITY OF ALBION ORDAINS:

Section 1. Chapter 2, Article IV of the Codified Ordinances of the City of Albion, is hereby amended, by adding Division 6, Sections 2-320 through 2-327 as follows:

**DIVISION 6: ARTS COMMISSION**

**Section 2-320: Created**

- A. The Arts Commission is hereby created.

**Section 2-321: Members**

- A. The arts commission shall consist of five members, who shall be residents of the city. Each member of the commission shall serve for a term of three years except of the members first appointed, one shall be appointed for a term of one-year, two for a term of two years, and two for a term of three years.
- B. All members shall be appointed by the mayor subject to the approval of the council.
- C. Unless specifically provided otherwise in this article, any vacancy occurring in the membership of any board or commission may be filled by the appointing authority for the remainder of the unexpired term.
- D. Members of the commission shall serve at the will of the council. Nonattendance at three regularly scheduled consecutive commission meetings or failure to attend more than one-third of the regularly scheduled meetings during any rolling 12-month period, is hereby determined to constitute neglect of duty, shall be deemed nonfeasance

in office, and, unless a removal hearing is otherwise required by law, shall automatically create a vacancy without further action.

## **Section 2-322: Duties**

A. The commission shall have the following duties:

1. It shall be the duty of the arts commission to advise the City manager and the city council on matters pertaining to arts programs within the city. These duties shall also include the review of requests for support, monetary or otherwise, submitted to the city; advise on the priority of such requests; develop and/or sponsor activities in performing arts and crafts, and visual arts.
2. The arts commission shall also be responsible for promoting arts and culture in the community, to include, but not be limited to, dissemination of knowledge with regard to the arts, recognizing local artists and their work when appropriate, and cooperation with agencies also dealing in the arts.
3. The commission shall be responsible for implementing a public art program so as to provide for the acquisition, placement, and display of works of art within the city. The public art program shall be administered subject to the approval of the city council.
4. The commission shall also be responsible for fundraising and preparation of grant applications to support the arts and culture in the city.
5. The commission shall manage an annual budget, determined annually by the city council.
6. The commission shall be responsible for reviewing proposed public art for compliance with the requirements and review standards of the applicable City Ordinances and making a recommendation to the city council as to whether or not the proposed public art is in compliance. If the commission determines the proposed public art is not in compliance, it shall advise the developer and city council of the reason it is not in compliance and what steps may be taken to have the proposed public art comply with the applicable requirements and standards. This review shall be in addition to, and not in lieu of, any other review required by any other applicable governmental body or sub-body.
7. Prepare, adopt, and amend with the city council's approval a plan and guidelines to carry out the city's art program, which shall include, but not be limited to, a method or methods for the



selection of artists or works of art and for placement of works of art.

8. Recommend to the City Manager and the city council the purchase of works of art or commission the design, execution and/or placement of works of art and payment therefor from the public art fund.
9. Require that any proposed work of art requiring extraordinary operation or maintenance expenses shall receive prior approval of the City Manager.
10. Ensure that art works which are appropriate as art in public places and compatible in scale, material, form, and content with their surroundings shall be considered.
11. Assure, in the overall public art program, that reasonable diversity is attained in style, scale, media, and materials represented.
12. Providing an annual report to the city council on the commission's activities.

#### **Section 2-323: Meetings**

- A. The commission shall meet a minimum of six (6) times annually at Albion City Hall, or such other designated place in the city.
- B. At the last regularly scheduled meeting of a calendar year, the commission shall adopt a schedule of meetings for the coming year, which shall be properly noticed as required by law. Special meetings of the commission may be called upon 24 hours notice by the chairperson or any two members of the commission.
- C. All commission meetings shall be open to the public, and all business shall be conducted in public session as required by the Michigan Open Meetings Act. At each regularly scheduled meeting, there shall be an opportunity for the public to speak. All meetings shall be held in a facility accessible to persons with disability.
- D. The commission may adopt bylaws and rules of procedure which pertain to the actual conduct of its business. Such rules shall not be effective without the approval of the city council and once approved, must be made available to each person conducting business before the commission. In the event the commission does not adopt its own rules, all commission meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised. Each member the commission present at a meeting shall

vote on each motion made unless excused due to a bona fide conflict of interest by the unanimous consent of the other members present.

- E. A majority of the members of the commission appointed and serving shall constitute a quorum for the transaction of business.
- F. The commission shall, at the first meeting of the year, elect a chair, a vice-chair, and a secretary. In the event the commission shall, for any reason, fail to elect a chair, vice-chair, or a secretary as required by this section, the city council shall at the council's first meeting in February appoint a chair, a vice-chair, and a secretary from the members of the commission.
  - 1. The duties of the chair shall include: He or she shall be the presiding member of the commission. The chair shall open and close meetings of the commission, announce the proper sequence of business in accordance with the prescribed agenda, state and put to vote all questions that come before the commission by motion, to enforce rules of order and decorum, to respond to questions of parliamentary procedure, and to sign any documents reflecting official action(s) of the commission.
  - 2. The duties of the vice-chair shall include: Discharging the duties of the chair in the chair's absence, when the chair becomes disabled, when the chair is otherwise unable to fulfill his or her duties, or when the chair has a bona fide conflict of interest on any matter.
  - 3. The duties of the secretary shall include: Attending all meetings of the commission and keeping a journal of the commission's proceedings in the English language. He or she shall keep a record of all actions taken by the commission and shall create and maintain meeting minutes as required by the Michigan Open Meetings Act, Act 267 of 1976, as amended. A copy of the commission's meeting minutes shall be forwarded to the City Clerk.

#### **Section 2-324: Compensation**

- A. Unless specifically provided for by law, no member of the commission shall be compensated for their service. Members of the commission shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their duties if an appropriation therefor is included in the annual budget and the expense is approved by the City

Manager.

#### **Section 2-325: Public Art Fund Established**

- A. There is further hereby established a "public art fund" to which an amount, to be determined by the city council each year, shall be appropriated from the general fund. All such funds as are appropriated to the public art fund may be accumulated and expended for such public art, from time to time, as hereinafter provided. No public art from public funding may be placed on private property.

#### **Section 2-326: Expenditures for Works of Art**

- A. The portion of the public art fund reserved for works of art may be expended for the following:
1. The cost of the work of art and its installation.
  2. Identification plaques and labels.
  3. Waterworks, electrical and mechanical devices and equipment which are an integral part of the work of art.
  4. Frames, mats, and simple pedestals necessary for the proper presentation of the works of art.
  5. Maintenance and repair of the public art works.
  6. Fees to artists for the execution of final proposals for the arts commission to select from.
  7. Exhibitions, marketing and educational programs.
  8. For the support of artistic festivals.

#### **Section 2-327: Definitions**

- A. The following words and phrases shall be used in the interpretation and administration of the public arts program:
- a. *Artist* means a practitioner in the visual arts, generally recognized by critics and his/her peers as professional, who produces work as described in the definition of "works of art" in this section.
  - b. *Arts commission* means the Albion Arts Commission.
  - c. *City* means the City of Albion.



- d. *Public art* means works of art purchased through the public art fund that are located in highly visible public areas.
- e. *Public art fund* means those monies appropriated by city council pursuant to this division, plus any other funds received by the city specifically designated to be used for the purchase of public art.
- f. *Works of art* means all forms of original creations of visual art, including, but not limited to:
  - i. Sculpture: In the round, bas relief, high relief, mobile, fountain, kinetic, electronic, etc., in any material or combination of materials.
  - ii. Painting: All media, including portable and permanently affixed works, such as murals and frescoes.
  - iii. Mosaics.
  - iv. Mixed media: Any combination of forms or media including collage.
  - v. Performing arts.
  - vi. Digital art.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

This Ordinance shall take effect on March 3, 2020 after publication.

First Reading:

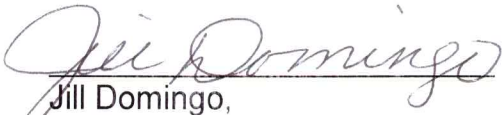
Second Reading & Adoption:


January 21, 2020

February 3, 2020

Ayes 7  
 Nays 0  
 Absent 0

Ayes 6  
 Nays 0  
 Absent 1 *Clark*

  
Jill Domingo,  
Clerk

  
David Atchison,  
Mayor.