

Ordinance No. 892

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, ADOPTING BY REFERENCE A DOCUMENT ENTITLED "AMENDMENTS TO CHAPTER 17 'PARKS AND RECREATION COMMISSION' AND REPEAL OF CHAPTER 18 'ARTS AND CULTURE'" (DECLARED BY RESOLUTION NO. 2203 TO BE A PUBLIC RECORD), WHICH REPEALS CHAPTER 18 "ARTS AND CULTURE" OF THE TOWN CODE, RENAMES CHAPTER 17 "PARKS, ARTS AND RECREATION COMMISSION" (FORMERLY "PARKS AND RECREATION COMMISSION") AND AMENDS CHAPTER 17 TO ADOPT RESPONSIBILITIES FORMERLY ASSIGNED TO THE ARTS AND CULTURE COMMISSION; PROVIDING THAT ALL OTHER CHAPTERS, ARTICLES, AND SECTIONS OF THE TOWN CODE, NOT HEREIN REPEALED, RE-ENACTED OR AMENDED SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, on October 22, 1987 the Town Council of the Town of Prescott Valley adopted Ordinance No. 160 which created Article 16-1 of the Town Code providing for a Prescott Valley Arts and Humanities Commission with responsibility for advancing the visual arts and other cultural art forms in the town (including commissioning works of art and incorporating art into public works projects); and

WHEREAS, recodification of the Town Code by Ordinance No. 375 on December 28, 1995 re-numbered Article 16-1 to Article 18-01 and placed it in its own Chapter 18 entitled Arts and Culture (and renamed the commission "Arts and Culture Commission") ("Commission"); and

WHEREAS, on June 14, 2018, the Council adopted Ordinance No. 843 which reduced the required number of Commission members from seven (7) to five (5) due to the challenges of achieving a quorum of members for Commission meetings; and

WHEREAS, the Council finds that the Commission continues to face challenges of achieving a quorum for its meetings; and

WHEREAS, the Council further finds that advancing the visual arts and other cultural art forms in Prescott Valley may reasonably be assigned to the current Parks and Recreation Commission; and

WHEREAS, the Council desires now to dissolve the Arts and Culture Commission by repealing Chapter 18, amend Chapter 17 to assign its responsibilities to the Parks and Recreation Commission, and rename the Parks and Recreation Commission to reflect the newly-added responsibilities; and

WHEREAS, the Council finds that the proposed actions are in the best interests of the community and meet the health, safety and welfare needs thereof; and

WHEREAS, ARS §9-801 et seq. provides for adoption by reference of particularly lengthy or complex ordinances when they are declared to be “public records”; and

WHEREAS, the document repealing Chapter 18 and amending Chapter 17 has been declared by Resolution No. 2203 to be a public record;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, AS FOLLOWS:

SECTION ONE. That that certain document known as “Amendments to Chapter 17 ‘Parks and Recreation Commission’ and Repeal of Chapter 18 ‘Arts and Culture’”, declared to be a public record by Resolution No. 2203 (and available for public inspection in the Office of the Town Clerk, 7501 E. Skoog Blvd., Prescott Valley, Arizona 86314), be hereby referred to, adopted, and made a part hereof as if fully set forth herein.

SECTION TWO. That all other Chapters, Articles and Sections of the Town Code not herein repealed, re-enacted, or amended shall remain in full force and effect.


SECTION THREE. That, if any provision in this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

SECTION FOUR. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 14 day of October, 2021.


Kell Palguta, Mayor

ATTEST:


Fatima Fernandez, Town Clerk

APPROVED AS TO FORM:


Ivan Legler, Town Attorney

**Amendments to Chapter 17 “Parks and Recreation Commission” and Repeal of Chapter 18
“Arts and Culture”**

SECTION 1. That Chapter 17 “PARKS AND RECREATION COMMISSION” of the Town Code of the Town of Prescott Valley, be hereby renamed “PARKS, ARTS AND RECREATION COMMISSION.”

SECTION 2. That Article 17-01 “PARKS AND RECREATION COMMISSION” of the Town Code, be hereby renamed “PARKS, ARTS AND RECREATION COMMISSION.”

SECTION 3. That Section 17-01-010 “Title” in Article 17-01 “PARKS, ARTS AND RECREATION COMMISSION” in Chapter 17 “PARKS, ARTS AND RECREATION COMMISSION” of the Town Code be hereby amended as follows:

17-01-010 Title.

This shall be known as the Town of Prescott Valley Parks, Arts and Recreation Commission Article, may be cited as such, and will be referred to herein as this Article.

(Ord. No. 179, Enacted, 05/12/88; Ord. No. 892, Amended, 10/14/21)

SECTION 4. That Section 17-01-020 “Purpose” in Article 17-01 “PARKS, ARTS AND RECREATION COMMISSION” in Chapter 17 “PARKS, ARTS AND RECREATION COMMISSION” of the Town Code be hereby amended as follows:

17-01-020 Purpose.

The ~~Parks and Recreation~~ Commission, through the ~~Parks and Recreation~~Community Services Director, shall recommend regulations and policy for the administration, control, and improvement of the public parks of the Town of Prescott Valley and the advancement of the visual arts and other cultural art forms in the Town (including commissioning works of art, establishing arts events, and incorporating art into public works projects).

(Ord. No. 179, Enacted, 05/12/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 540, Amended, 12/19/02; Ord. No. 892, Amended, 10/14/21)

SECTION 5. That Section 17-01-025 “Powers and Duties” in Article 17-01 “PARKS, ARTS AND RECREATION COMMISSION” in Chapter 17 “PARKS, ARTS AND RECREATION COMMISSION” of the Town Code be hereby amended as follows:

17-01-025 Powers and Duties.

The ~~Parks and Recreation~~ Commission shall have the following powers and duties:

- A. ~~The Commission shall r~~Recommend fees for the use of public park facilities.

- B. ~~To a~~Assist and advise the ~~Parks and Recreation~~Community Services Director in the development of a continuing plan for the Town's parks and trails system and recreation programs. Plans and programs may be sent to the Commission for official review. The results of such reviews shall be forwarded to the Town Council.
- C. Advise the Council concerning recreational needs and recommended acquisition, location, and nature of facilities to meet said needs.
- D. Advise the ~~Town~~ Council, when requested by the Town staff, regarding offers to the Town of real and personal property to be used for parks, trails or recreational purposes.
- E. ~~To review and approve the official minutes of all Commission meetings prior to the transmittal of such minutes to the Town Council.~~
- ~~F.~~E. ~~To s~~Serve as the Tree Advisory Commission with the responsibility to study, develop, update annually and administer a written plan for the care, planting, replanting and removal or disposition of trees and shrubs within parks, preserves, street rights-of-way and public places owned by the Town to ensure that the Town will continue to realize the benefits provided by community forest. Such plan will be presented to the ~~Town~~ Council and, upon ~~their~~its acceptance and approval, shall constitute the official tree plan for the Town.
- ~~F.~~F. Make recommendations to and advise the Council on matters pertaining to the visual and performing arts, and other popular cultural events.
- ~~G.~~G. Implement programs and activities designed to create a cultural climate in which numerous diverse activities can thrive in the community, including any programs, activities and funds assigned to it by the Council.
- ~~H.~~H. Promote cooperation, coordination and communication among the arts and culture groups in the Town and related segments of the community.
- ~~I.~~I. Assess and encourage community support for arts and cultural activities within the Town and surrounding area.
- ~~J.~~J. Serve as a catalyst and advocate for public art and cultural activities.
- ~~K.~~K. Make recommendations regarding gifts of artwork to the public, and location and setting of planned public artwork.
- ~~L.~~L. Review and make recommendations regarding Town grant applications for activities related to the arts, as well as the disposition of grant or donation amounts to be expended on artwork in such cases.
- ~~M.~~M. Develop and maintain a Town Arts and Culture Assessment, subject to regular review and approval by the Council.

SECTION 6. That Section 17-01-030 “Membership and Terms of Office” in Article 17-01 “PARKS, ARTS AND RECREATION COMMISSION” in Chapter 17 “PARKS, ARTS AND RECREATION COMMISSION” of the Town Code be hereby amended as follows:

17-01-030 Membership and Terms of Office.

- A. The ~~Parks and Recreation~~ Commission shall consist of ~~seven (7)~~nine (9) members who shall be appointed by the ~~Mayor and approved by the Town Council~~. Ex officio members, without voting privileges, may also be designated by the ~~Mayor with the approval of the Town Council~~.

. . .

(Ord. No. 179, Enacted, 05/12/88; Ord. No. 892, Amended, 10/14/21)

SECTION 7. That Section 17-01-040 “Salaries and Personal Expenses” in Article 17-01 “PARKS, ARTS AND RECREATION COMMISSION” in Chapter 17 “PARKS, ARTS AND RECREATION COMMISSION” of the Town Code be hereby amended as follows:

17-01-040 Salaries and Personal Expenses.

The members of the ~~Parks and Recreation~~ Commission shall receive no ~~salaries~~salary or other remuneration for their services in such capacity, and shall not be entitled to personal expenses incurred by them in the discharge of their official duties (except for purposes and amounts first authorized and approved in advance by the ~~Town Council~~).

(Ord. No. 179, Enacted, 05/12/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 892, Amended, 10/14/21)

SECTION 8. That Section 17-01-060 “Meetings” in Article 17-01 “PARKS, ARTS AND RECREATION COMMISSION” in Chapter 17 “PARKS, ARTS AND RECREATION COMMISSION” of the Town Code be hereby amended as follows:

17-01-060 Meetings.

The Commission shall establish a regular meeting day and time (at least once a month). Special meetings may be called as required. A quorum shall consist of four (4) voting members for the transaction of all business. The time and place of said meetings shall be posted in accordance with applicable Arizona open meeting statutes, and agendas and minutes shall be maintained as required by said statutes.

(Ord. No. 179, Enacted, 05/12/88; Ord. No. 892, Amended, 10/14/21)

SECTION 9. That Section 17-01-080 “Removal of Members” in Article 17-01 “PARKS, ARTS AND RECREATION COMMISSION” in Chapter 17 “PARKS, ARTS AND RECREATION COMMISSION” of the Town Code be hereby amended as follows:

17-01-080 Removal of Members.

Members of the Commission serve at the pleasure of the ~~Town Council~~ and may be removed by the ~~Mayor with the concurrence of the Council~~. A member shall not be absent from ~~Parks and Recreation Commission~~ regular meetings for more than three (3) consecutive times without a reasonable excuse. After an absence of ~~three (3)~~ consecutive meetings, the remaining members of the ~~Parks and Recreation Commission~~ may vote to retain or recommend to the Council that the absentee member be relieved of ~~his~~their duties on the Commission.

(Ord. No. 179, Enacted, 05/12/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 892, Amended, 10/14/21)

SECTION 10. That Chapter 18 “ARTS AND CULTURE” of the Town Code be hereby repealed in its entirety and reserved for future use as follows:

CHAPTER 18 RESERVED.

SECTION 11. That Article 18-01 “PRESCOTT VALLEY ARTS AND CULTURE” in Chapter 18 “ARTS AND CULTURE” of the Town Code be hereby repealed in its entirety and reserved for future use as follows:

Article 18-01 RESERVED.

SECTION 12. That Section 18-01-010 “Title” in Article 18-01 “PRESCOTT VALLEY ARTS AND CULTURE” in Chapter 18 “ARTS AND CULTURE” of the Town Code be hereby repealed in its entirety and reserved for future use as follows:

18-01-010 ~~Title.~~Reserved.

~~This shall be known as the Town of Prescott Valley Arts and Culture Article, may be cited as such, and will be referred to herein as “this Article”.~~

(Ord. No. 160, Enacted, 10/22/87; Ord. No. 375, Renumbered, 12/28/95, 16-01-010; Ord. No. 495, Amended, 02/22/01; Ord. No. 892, Rep&ReEnacted, 10/14/21)

SECTION 13. That Section 18-01-020 “Purpose and Policy” in Article 18-01 “PRESCOTT VALLEY ARTS AND CULTURE” in Chapter 18 “ARTS AND CULTURE” of the Town Code be hereby repealed in its entirety and reserved for future use as follows:

18-01-020 ~~Purpose and Policy.~~Reserved.

~~The Town of Prescott Valley desires to encourage the visual arts and other forms of cultural enrichment in the community. A policy is therefore established to work with private interests dedicated to cultural enrichment of the Town through an Arts and Culture Commission appointed by the Town Council.~~

(Ord. No. 160, Enacted, 10/22/87; Ord. No. 375, Renumbered, 12/28/95, 16-01-020; Ord. No. 495, Amended,

SECTION 14. That Section 18-01-030 "Definitions" in Article 18-01 "PRESCOTT VALLEY ARTS AND CULTURE" in Chapter 18 "ARTS AND CULTURE" of the Town Code be hereby repealed in its entirety and reserved for future use as follows:

18-01-030 Definitions, Reserved.

~~The following words shall have the definitions set forth herein.~~

- A. ~~"Commission" means the Prescott Valley Arts and Culture Commission.~~
- B. ~~"Town Arts and Culture Assessment" means a plan or assessment prepared on a regular basis by the Commission, with or without the assistance of third-party consultants, which identifies artistic and cultural activities which are best suited for the community, are most likely to be supported by the general public and business sector, are most likely to attract funding sources such as donations, gifts, grants, and appropriations from other levels of government, and will best enhance quality of life in the community as a whole.~~

(Ord. No. 160, Enacted, 10/22/87; Ord. No. 375, Renumbered, 12/28/95, 16-01-030; Ord. No. 495, Amended, 02/22/01; Ord. No. 892, Rep&ReEnacted, 10/14/21)

SECTION 15. That Section 18-01-040 "Establishment" in Article 18-01 "PRESCOTT VALLEY ARTS AND CULTURE" in Chapter 18 "ARTS AND CULTURE" of the Town Code be hereby repealed in its entirety and reserved for future use as follows:

18-01-040 Establishment, Reserved.

- A. ~~There is hereby established a Prescott Valley Arts and Culture Commission. The Commission shall be composed of five (5) voting members appointed by the Town Council. The Town Council may, at its discretion, appoint up to two (2) non-voting alternative members. All Commission members shall serve at the pleasure of the Town Council.~~
- B. ~~First priority for membership shall be given to residents of Prescott Valley. However, persons residing outside of the Town limits who are uniquely qualified for membership may be considered for appointment so long as no more than one (1) voting member is a non-resident at any one time.~~
- C. ~~Commission members shall serve without compensation, although their verified expenses relating to Commission membership may be paid if first approved by the Town Manager prior to the expenses being incurred.~~
- D. ~~The Commission shall hold no fewer than nine (9) regular meetings per year, which shall at all times be open to the public. The time and place of said meetings shall be posted in accordance with applicable Arizona open meeting statutes, and agendas and minutes shall be maintained as requires by said statutes. A quorum of three (3) voting members shall be required to conduct business. The Commission may adopt bylaws, subject to~~

~~approval of the Town Council. Matters not covered by Commission bylaws shall be determined by reference to Robert's Rules of Order.~~

E. ~~The Town Manager shall assign such Town staff to support the Commission as he or she shall deem necessary.~~

(Ord. No. 160, Enacted, 10/22/87; Ord. No. 375, Renumbered, 12/28/95, 16-01-040; Ord. No. 495, Amended, 02/22/01; Ord. No. 793, Amended, 05/22/14; Ord. No. 843, Amended, 05/24/18; Ord. No. 892, Rep&ReEnacted, 10/14/21)

SECTION 16. That Section 18-01-050 "Terms in Office" in Article 18-01 "PRESCOTT VALLEY ARTS AND CULTURE" in Chapter 18 "ARTS AND CULTURE" of the Town Code be hereby repealed in its entirety and reserved for future use as follows:

18-01-050 ~~Terms in Office.~~Reserved.

~~The terms in office for members of the Commission shall be three (3) year, staggered terms. The Town Council shall fill vacancies for the term of any Commission member. If a Commission member is absent for three (3) meetings in any twelve (12) month period, that member shall be deemed to have vacated his or her membership and may be replaced by the Town Council. Any Commission member may be removed prior to the completion of his or her term by the affirmative vote of four (4) Council members.~~

(Ord. No. 160, Enacted, 10/22/87; Ord. No. 375, Renumbered, 12/28/95, 16-01-050; Ord. No. 495, Amended, 02/22/01; Ord. No. 540, Amended, 12/19/02; Ord. No. 793, Amended, 05/22/14; Ord. No. 843, Amended, 05/24/18; Ord. No. 892, Rep&ReEnacted, 10/14/21)

SECTION 17. That Section 18-01-060 "Officers" in Article 18-01 "PRESCOTT VALLEY ARTS AND CULTURE" in Chapter 18 "ARTS AND CULTURE" of the Town Code be hereby repealed in its entirety and reserved for future use as follows:

18-01-060 ~~Officers.~~Reserved.

~~Within thirty (30) days after initial appointment, the Commission shall meet for the purpose of organization and elect its officers. Officers shall include a chairperson, vice chairperson, and recording secretary. The term of chairperson shall be one (1) year with eligibility for re-election. However, no chairperson shall serve for more than two (2) consecutive one (1) year terms.~~

(Ord. No. 160, Enacted, 10/22/87; Ord. No. 375, Ren&Amd, 12/28/95, 16-01-060; Ord. No. 495, Amended, 02/22/01; Ord. No. 892, Rep&ReEnacted, 10/14/21)

SECTION 18. That Section 18-01-070 "Powers and Duties Generally" in Article 18-01 "PRESCOTT VALLEY ARTS AND CULTURE" in Chapter 18 "ARTS AND CULTURE" of the Town Code be hereby repealed in its entirety and reserved for future use as follows:

18-01-070 ~~Powers and Duties Generally.~~Reserved.

~~The powers and duties of the Commission shall be:~~

- ~~A. To make recommendations to and advise the Town Council on matters pertaining to the visual and performing arts, and other popular cultural events.~~
- ~~B. To implement programs and activities designed to create a cultural climate in which numerous diverse activities can thrive in the community, including any programs, activities and funds assigned to it by the Town Council.~~
- ~~C. To promote cooperation, coordination, and communication among the arts and culture groups in the Town and related segments of the community.~~
- ~~D. To assess and encourage community support for arts and cultural activities within the Town and surrounding area.~~
- ~~E. To serve as a catalyst and advocate for public art and cultural activities.~~
- ~~F. To make recommendations regarding gifts of art work to the public, and location and setting of planned public art work.~~
- ~~G. To review and make recommendations regarding Town grant applications for activities related to the arts, as well as the disposition of grant or donation amounts to be expended on works of art in such cases.~~
- ~~H. To develop and maintain a Town Arts and Culture Assessment, subject to regular review and approval by the Town Council.~~

(Ord. No. 160, Enacted, 10/22/87; Ord. No. 375, Renumbered, 12/28/95, 16-01-070; Ord. No. 495, Amended, 02/22/01; Ord. No. 892, Rep&ReEnacted, 10/14/21)