

**CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE NO. 2007-04**

AN ORDINANCE AMENDING ORDINANCE 99-13, "AN ORDINANCE CREATING AN ARTS AND HUMANITIES COMMISSION AN ADVISORY COMMISSION OF THE CITY OF RUSSELLVILLE, KENTUCKY" BY AMENDING THE HEADING OF THE ORDINANCE; BY SUBSTITUTING 'COUNCIL' FOR 'COMMISSION'; BY INCREASING THE SIZE OF THE COUNCIL; FOR OTHER MINOR CHANGES TO THE ORDINANCE; AND BY PROVIDING A SEVERABILITY CLAUSE, REPEALER CLAUSE AND AN EFFECTIVE DATE

** ** *

WHEREAS, the Arts Commission has requested changes in the Ordinance giving rise to its existence; and

WHEREAS, City Council deems these changes to be in the interests of the health, safety and welfare of the citizens of the City of Russellville;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF RUSSELLVILLE THAT:

I. SECTION ONE - Ordinance 99-13 is hereby amended as follows:

A. Arts and humanities ~~commission~~ council.

1. *Creation of arts and humanities ~~commission~~ council.* There is hereby created the arts and humanities ~~commission~~ council, an advisory ~~commission~~ council of the city. The ~~commission~~ council shall consist of ~~seven~~ eleven members, to be appointed by the mayor with the approval of the city council.
2. *Duties.* The arts and humanities ~~commission~~ council, hereinafter called the ~~commission~~ arts council, shall encourage the development of art, literature, ballets, theatricals, musicals, choral, societies, children's theatricals and plays creativity and other humanities in the city. The ~~commission~~ council shall hold public meetings, collect information and recommendations, and make reports and recommendations from time to time to the city council. The ~~commission~~ council shall study the availability of facilities of all kinds of relating to arts and humanities, including but not limited to libraries, museums, art galleries and theaters, both publicly owned and owned by nonprofit corporations and shall recommend methods of coordinating such facilities and the activities in such facilities. The ~~commission~~ council shall also encourage individual creativity, by recognition of individual creative achievements and by recommendations on facilities and supplies to be furnished by public bodies, nonprofit organizations and by business.

3. *Compensation of members.* The members of the commission council shall serve without pay.
4. *City facilities to be furnished.* The city shall provide, at the expense of the city, meeting rooms, stationery, postage and limited secretarial help, within the amounts available under the city budget.
5. *Coordination with existing organizations.* The arts and humanities council shall communicate with all existing nonprofit organizations interested in arts and humanities in the city, in order to coordinate the work of the committee with work that is being done within the community and in order to avoid or reduce duplication, where possible.
6. *Participation.* The commission council shall encourage participation by school children, by minorities as well as majorities, by the handicapped, as well as the able bodied, by sight or hearing impaired persons, as well as those in full possession of their faculties in so much as such participation is possible. They shall see to it that as many events as possible shall be held in places easy of access to handicapped persons. They shall also give suitable awards when funds or awards are available to encourage participation by all citizens.
7. *Volunteers.* The commission council shall encourage those citizens capable and willing to help in such programs, and shall see to it that honorable mention is awarded such persons or persons. The committee shall welcome participation by suitable volunteers.
8. *Conduct.* Any meetings, plays, theatricals, outdoor or indoor affairs shall be conducted in an orderly manner, and if necessary the police department shall delegate a policeman to help maintain order.
9. *Compliance with ordinances.* Any event sponsored by such commission council shall be, if held in buildings, arenas or the like comply with city ordinances on fire safety, number in attendance and any other applicable ordinances. Other events sponsored by the commission council shall also comply with all applicable ordinances
10. *Reports.* The commission council shall report ~~at least once each year~~ quarterly or as needed to the city commission. Such report shall be in writing but it may be accompanied by visual or oral presentation or by other media.
11. *Evaluation.* The city council shall may evaluate the work of the commission council at least once a year. At the end of each annual evaluation, the city council shall may determine whether the commission shall continue as established, continue with changes or be abolished.

B. Arts ~~commission~~ council, with conflict of interest provisions and protection against offensive matters.

1. *Definitions.* As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
 - a. "The Arts" shall mean all aspects of activities that involve: music, theater, dance, performance, cinema, documentation, sculpture, painting, poetry, literature, folk traditions or fine crafts that involve a quality of aesthetic judgment and execution that will best contribute to the quality of life for citizens of the City of Russellville, and Logan County.
 - b. "The Russellville Public Arts Fund" shall mean a non-profit corporation acting in conjunction with the City of Russellville and the ~~Commission~~ Council in furtherance of funding arts projects.
 - c. "~~Commission~~" "Council" shall mean the Russellville Public Arts ~~Commission~~ Council.
 - d. "Commissioner or Commissioner's" shall mean the person or those persons appointed as members of the ~~Commission~~ Council.
 - e. "~~Council or City Council~~" shall mean the City Council of the City of Russellville.
 - f. "Conflict of Interest" shall mean the existence of any of the following conditions which apply to a ~~Commission~~ Council member:
 - i. A[n] Arts Council member ~~Commissioner~~ has a material or financial interest in the proposal or the proposal materially affects the Commissioner's business, profession or occupation; or
 - ii. A[n] Arts Council member ~~Commissioner~~ is a director, trustee, officer, regular or contracted employee or agent of an institution directly involved in the issue or proposal; or
 - iii. A[n] Arts Council member ~~Commissioner~~ is related as a spouse, child, parent or has some other significant relationship to an individual directly affected by the issue or proposal.
2. *Establishment.* There is hereby created a Russellville Public Arts ~~Commission~~ Council for the City of Russellville.
3. *Purpose.* The purpose of the Russellville Public Arts ~~Commission~~ Council is to promote public appreciation, accessibility and patronage of the arts in the City.
4. *Composition, Qualifications, Appointment, Removal and Compensation.*

- a. The membership of the ~~Commission~~ Arts Council shall consist of ~~seven~~ eleven Commissioners who shall be appointed by the Mayor, with the approval of the City Council.
- b. ~~A[n]~~ Arts Council member Commissioner shall serve without compensation. The original term of the ~~A[n]~~ Arts Council member Commissioner shall be for one year, the original term for two Arts Council member Commissioners shall be for two years, and the original term for three Arts Council members Commissioner shall be three years. Subsequent terms of Arts Council members Commissioners shall be three years, and all terms will expire on December 31 of the appropriate year. No Arts Council member Commissioner shall serve more than two consecutive terms. When a vacancy occurs in said ~~Commission~~ Council, by means of resignation, death, removal from the community or removal for failure to perform the duties of a Arts Council member Commissioner, the vacancy will be filled for the unexpired term in the manner provided for original appointments.
- c. The ~~Commission~~ Council shall meet monthly upon a regular schedule adopted by it, and may meet additionally at the call of the chairperson or of any two members. The ~~Commission~~ Council shall call such meetings, hearings, and conferences as may be needed to effectuate the purposes and policies of this ordinance. Such meetings and notices thereof shall comply with applicable law, including all applicable laws of the State of Kentucky concerning open meetings.
- d. The ~~Commission~~ Council shall, at its first meeting in January of each year, elect a ~~Chairperson and Vice Chairperson~~ officers according to established by-laws. No person shall serve more than two consecutive terms as Chairperson or Vice-Chairperson. The Arts Council Commissioner shall also elect a person, who may or may not be a member of the Arts Council Commission, who shall serve the Arts Council Commission to the Mayor and City Council.
 - (i) Chairperson: The Chairperson will preside and maintain order at all Arts Council Commission meetings and will make such reports as required by law and as may be deemed necessary by the Arts Council Commission to the Mayor and City Council.
 - (ii) Vice Chairperson: The Vice Chairperson will fulfill the duties if the Chairperson in the absence of the Chair including the calling of Commission Council meetings and assist the Chairperson with administrative meetings.
 - (iii) Secretary: The Secretary will assist the Chairperson and Vice Chairperson in the administrative duties of the Commission. The

Secretary will be responsible for the preparation of the minutes of the Arts Council Commission.

- (iv) Treasurer: The treasury will oversee and be responsible for the management of the financial affairs of the Council.

5. *Commission Council Authority.* The Arts Commission Council shall have the following authority:

- a. To recommend to the Mayor and City Council a Public Arts Plan for the City. The Commission Council shall develop a Public Arts Plan for the entire City. The plan shall be subject to the approval of the Mayor and City Council. Thereafter, this plan shall be periodically updated, but in no event less than annually. The plan shall include, but not be limited to, the following: a listing of long-term objectives of the Commission Council in carrying out its purpose as stated above; criteria for the selection of artists and works of art; a list of locations throughout the City for the placement of works of arts; and current list of priorities for the funding of various arts organizations and projects throughout the City.
- b. To recommend to the Mayor and City Council methods of location and selection of artisans, performance and artful activity, funded directly or indirectly by the City.
- c. To recommend to the Mayor and City Council for funding, where applicable, arts organizations or projects to be funded in whole or in part by the City.
- d. To recommend to the Mayor and City Council criteria for the selection of artful activity.
- e. To serve as consultant on art projects for the City.
- f. To assist the City in raising funds from public and private sources for funding arts projects in the City.
- g. To report to the Mayor and City Council at least annually and as needed on the activities of the Commission Council and the projects that it has recommended.

6. *Conflict of Interest.* If a member of the Commission Council has a conflict of interest with regard to any applicant or proposal, that conflict is to be declared when the applicant or proposal is first discussed. When a conflict of interest occurs, the Arts Council member Commissioner shall refrain from voting on the applicant or proposal and shall refrain from taking part in any discussion of the proposal with the Arts Council Commission or with any member thereof.

7. *Arts Fund.* A special fund shall be established by the City for the purpose of collecting and retaining funds from public and private sources for arts projects. The general tax levy of the City shall not be a revenue source for this special fund.

II. REPEALER CLAUSE

All ordinances or parts of ordinances in conflict herewith now in effect are hereby repealed.

III. SEVERABILITY CLAUSE

If any clause, provision or section of this ordinance shall be ruled void or unenforceable by any court of competent jurisdiction, the remainder hereof is intended to be enacted and shall be in force and effect notwithstanding.

IV. EFFECTIVE DATE

This ordinance shall be effective upon its passage and publication as required by law.

FIRST READING conducted on the 3rd day of April, 2007.

SECOND READING AND PASSAGE on the 17th day of April, 2007.


PHILLIPS, CHUCK, MAYOR PRO TEM

ATTEST:


BOB RIGGS, CITY CLERK

Ayes: Davenport, Lanny; Jones, Russell; McPherson, Lanny; Whipple, Jack.

Nays: none.

Absent: Stratton, Mark; Zick, Gene.

Abstaining: Phillips, Chuck.

LEGAL PUBLICATION OF ORDINANCE IN SUMMARY

The City Council of Russellville, Kentucky, has enacted Ordinance 2007-04 entitled "AN ORDINANCE AMENDING ORDINANCE 99-13, 'AN ORDINANCE CREATING AN ARTS AND HUMANITIES COMMISSION AN ADVISORY COMMISSION OF THE CITY OF RUSSELLVILLE, KENTUCKY' BY AMENDING THE HEADING OF THE ORDINANCE; BY SUBSTITUTING 'COUNCIL' FOR 'COMMISSION'; BY INCREASING THE SIZE OF THE COUNCIL; FOR OTHER MINOR CHANGES TO THE ORDINANCE; AND BY PROVIDING A SEVERABILITY CLAUSE, REPEALER CLAUSE AND AN EFFECTIVE DATE"

In accordance with KRS 86A.060(9), the undersigned, a licensed, practicing attorney in the Commonwealth of Kentucky, summarizes this Ordinance as follows:

1. This Ordinance has been enacted to properly rename the former "Arts Commission" to "Arts Council" and this change is reflected throughout the Ordinance.
2. This Ordinance increases the number of appointed members of the Arts Commission to eleven from seven.
3. Certain administrative changes within the Arts Council have been made in this Ordinance, all of which appear in the full version, available for public inspection.
4. City Council has determined this Ordinance is in the best interests of the health, safety and welfare of the citizens of the City of Russellville, Kentucky.
5. This Ordinance contains a Severability clause and a Repealer clause.

The full text of this Ordinance is available for copying and inspection at City Hall, Russellville, Kentucky, during normal business hours.

The City Council of Russellville, Kentucky enacted this Ordinance after a first reading conducted on April 3, 2007 and a second reading conducted on April 17, 2007.

This Ordinance is in effect immediately upon publication.

CERTIFICATION OF COUNSEL

I hereby certify the foregoing is an accurate summary of City of Russellville Ordinance 2007-04.

C. Robert Hedges
Russellville City Attorney
157 West Fifth Street
P. O. Box 335
Russellville, KY 42276-0335
270-726-9604