

**Town of Basalt, Colorado
Ordinance No. 05
Series of 2015**

**ORDINANCE OF THE TOWN COUNCIL OF BASALT,
COLORADO, ESTABLISHING THE BASALT PUBLIC ARTS
COMMISSION (PAC) AS A FORMAL ADVISORY COMMISSION
TO THE TOWN COUNCIL**

RECITALS

A. Article VII of the Basalt Home Rule Charter establishes that the Town may establish Boards and Commissions by ordinance and sets the framework for their creation.

B. The Town Council Adopted Resolution No 56, Series of 2014, which stated that the Town Council intended to create a public arts commission.

C. The Town Council now desires to formally establish the Commission and outline its roles.

D. At a public meeting held on February 24, 2015, the Town Council heard evidence and testimony as offered by the Town Staff. At the public meeting held on February 24, 2015, the Town Council considered this ordinance on first reading and scheduled a public hearing and second reading for the Ordinance for March 24, 2015, for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

E. At a public hearing and second reading on March 24, 2015, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicants, and members of the public.

F. The Town Council finds and determines it is in the best interests of the Town to approve this Ordinance. Further, the Town Council finds and determines this Ordinance is reasonably necessary to promote the legitimate public purposes of the public health, safety and welfare.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF
THE TOWN OF BASALT, COLORADO, AS FOLLOWS:**

Section 1. The Town Council hereby creates the Basalt Public Arts Commission as a formal Town Commission under the parameters established in Section 7.2 of the Basalt Home Rule Charter. The structure, roles and responsibilities of PAC are outlined in **Exhibit A**.

Section 2. The Town Staff will advertise for applications for consideration and formal appointment for PAC.

Section 3. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, subsection, sentence, clause or phrase thereof regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

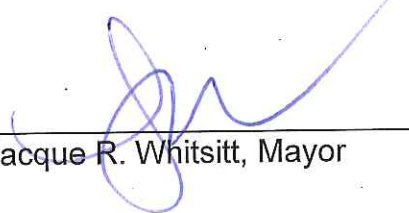
READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON March 24, 2015, by a vote of 6 to 0 on February 24, 2015.

READ ON SECOND READING AND ADOPTED, by a vote of 6 to 0 on March 24, 2015.



TOWN OF BASALT, COLORADO

By



Jacques R. Whitsitt, Mayor

ATTEST:



Pamela K. Schilling, Town Clerk

Date of first publication: Thursday, March 5, 2015
Date of second publication: Thursday, April 2, 2015
Effective date: Thursday, April 16, 2015

Exhibit A

Public Arts Commission (PAC)

Section 1 Creation

There is hereby formally created and established a Basalt Public Arts Commission (PAC).

Section 2 Purpose and Responsibilities of PAC

The PAC provides advice to the Town Council on a number of visual and performing arts matters. As an advisory group, the PAC does not have explicit decision-making authority or primary responsibility.

The Council asks the PAC to:

1. Provide a sounding board on significant visual and performing arts issues in the Town of Basalt.
2. Explore and cultivate partnerships that can support the implementation of the Town's arts goals (e.g. Pitkin and Eagle County).
3. Review and make recommendations on financing mechanisms for the development of visual and performing arts.
4. Help make the case for new resources when necessary to fulfill the goals for public arts within the Town.
5. On an annual basis, provide a plan for the development, commission, acquisition, placement and integration of public art into the public realm.
6. On an annual basis, develop and identify funding for public art.
7. Develop a 10-year Capital Improvement Plan (ART CIP) for the Town for the installation of public art in the Town and the facilities needed to

- support them and update that plan on a yearly basis. The Town Council will consider the ART CIP as it prepares and adopts its own 10-year CIP.
8. Make recommendation to other Committees and Boards in the Town to help further the art goals of the Town (by way of example, make recommendation to P&Z on goals and objectives to include in the Master Plan Update).
 9. Act as a referral agency on development applications and Town Public Work's and facilities' projects which could help implement the arts goals of the Town.
 10. Submit a yearly report to the Council, due by February 15th of each year that outlines the activities and accomplishments of PAC.
 11. Work to fulfill any goals included in the Town's yearly work plan or direction of the Town Council.
 12. Meet with the Town Council upon request.

Section 3 Composition and Appointment

(a) Composition. PAC shall consist of up to nine (9) members who are eligible to be appointed by the Town Council as further outlined below:

(1) At least three (3) of the members shall be residents of the Town of Basalt (each a resident member). The determination of residency shall be made by the Town in accordance with the provisions of C.R.S. 31-10-201 (3), as amended from time to time.

(2) No more than three members may be Wylie or board or staff members.

(3) No more than three members may be TACAW board or staff members.

(4) No more than three members may be from the Chamber Sign Committee.

(5) Although not required, one (1) of the members should be a representative of the Hispanic Community.

(6) Although not required, one (1) of the members should be a staff or board member of the Basalt Chamber.

(7) Any member who is appointed as a resident member and no longer meets that definition, shall automatically be removed as a member unless the membership can revert to a non-resident member status as there are at least three other resident members.

(8) The Town Manager after advice from the Town Attorney shall make the interpretation of membership status and members may appeal that decision to the Town Council.

(9) The Council, in making appointments to PAC, should look to create a board from constituencies representing various segments of the community which have experience, expertise, or interest in the area of visual arts, performing arts, arts education, planning, business, or another related field. The intention of the Council is to reflect the diversity, and desired growth of the Basalt Arts community, and to appoint members who they feel can carry out the purpose and responsibilities as outlined herein.

(b) Terms. Terms may be assigned by the Town Council for up to three (3) years and the Council may assign terms less than three (3) years in order to provide overlapping terms. Any member whose term is expiring may apply for reappointment to the Commission. Any appointment or reappointment shall be at the discretion of the Town Council pursuant to Subsection (a) above. Regardless,

an eligible member may serve on PAC until a new appointment or reappointment is made by the Town Council.

(c) The Council should make all appointments after the initial appointment in January except for vacancies which occur in the interim.

Section 4 Conflict Provisions

In order to maintain trust in the outcomes, Commission members will be subject to the same conflict rules as the Town Council under Article VIII of Chapter 2, Administration of the Basalt Town Code.

Section 5 Officers

PAC shall organize and elect from among the appointed members a chairperson and vice chairperson. Such officers shall serve one-year terms and shall be eligible for reelection. Regardless, the officers shall serve until the earlier of a new election or that member no longer is an eligible member.

Section 6 Meetings and Organization

(a) PAC shall establish a regular meeting schedule each year by motion. Additional or Special meetings may be held as determined by PAC or the Town Manager.

(b) PAC shall establish and adopt Bylaws necessary to their operation after review and approval by the Town Attorney.

Section 7 Funding and Support

(a) The Town Council will establish funding for PAC within the Town's yearly budget or other special appropriations. The Town Manager will be responsible for assigning staff services to PAC within the parameters of the Town's approved budget. The Town Manager will also be responsible for advising PAC of deadlines to be satisfied. (For example, submit the ART CIP by a specified date so it can be properly considered along with the other capital improvements).

(b) With the approval, including the necessary appropriation of funds, by the Town Council, the Commission may contract with professional advisors, financial experts, landscape architects or other designers, or engineering services as PAC may require.

(c) PAC is encouraged to seek other public and private financial support. For clarification, any grants which require a match from the Town require prior Town Council approval.