

RESOLUTION NO. 1105-1221

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE CITY OF AVONDALE MUNICIPAL ART COMMITTEE BYLAWS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The City of Avondale Municipal Art Committee Bylaws, Amended and Restated December 13, 2021 (the “Bylaws”), are hereby adopted in substantially the form and substance attached hereto as Exhibit A and incorporated herein by this reference.

SECTION 2. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, December 13, 2021.


Kenn Weise (Dec 15, 2021 12:04 MST)

Kenneth N. Weise, Mayor

ATTEST:



Marcella Carrillo, City Clerk

APPROVED AS TO FORM:


Nicholle Harris (Dec 28, 2021 15:00 MST)

Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1105-1221

[Bylaws]

See following pages.

**CITY OF AVONDALE
MUNICIPAL ART COMMITTEE BYLAWS
AMENDED AND RESTATED
DECEMBER 13, 2021**

I. Name. The name of this organization shall be the *Municipal Art Committee* (the "Committee").

II. Powers and Duties of the Committee. The Committee shall:

A. Develop program guidelines and procedures and advise the City Council and City staff on matters and issues pertaining to the acquisition, maintenance and disposition of works of art, public art displays, monuments and memorials. This includes, but is not limited to, administering a public arts program, planning community arts events in conjunction with City Staff and maintaining an inventory of the City's public art. The Committee shall submit all projects that will require capital expenditures (a "Capital Project") to the City Council for conceptual approval before committing the funds. The Committee will then bring to the City Council a final recommendation on the Capital Project and its placement.

B. Administer the Municipal Arts Fund in carrying out program objectives established by the Committee. At the discretion of the City Council, an amount up to 1/2% of the General Funds transferred to the Capital Improvement Budget may be deposited in the Municipal Arts Fund annually through the budget process.

C. Set long-range program goals with an annual work plan for the Committee.

D. Recommend to the City Council the placement of publicly funded art, gifts or temporary use of loaned art and memorials and/or monuments.

E. Promote and advocate for the arts and other cultural activities including special cultural events.

F. Recommend to the City Council funding sources and possible grant opportunities pertaining to the arts.

G. Support the City Council goals and be consistent with the City's Strategic Plan, Priority Areas and General Plan.

III. Membership and Composition.

A. Number of Committee Members. The Committee shall be composed of seven regular members (collectively, the "Members"). The Committee shall also have one alternate member ("Alternate Member"). The Alternate Member shall attend and may participate in Committee meetings, but shall not be authorized to vote at any Committee meeting, except as provided in Section V(E) below.

B. Membership Eligibility and Appointment. Except for the representative and art teacher members, each of the Members and the Alternate Member shall be Avondale residents and shall meet all eligibility criteria as outlined in the City Council Rules of Procedure. At least two members shall be: a representative from the West Valley Arts Council, a representative from the

Western Avenue Business and Arts District, or a current art teacher of a school within the City of Avondale. Art teachers of schools outside of the City of Avondale may be considered upon approval from the Council Subcommittee on Boards, Commissions, and Committees. The aforementioned representatives and/or art teachers need not be residents of Avondale. The Committee welcomes both artists and patrons of the arts as Members or the Alternate Member. Appointment of Members and the Alternate Member shall be conducted according to the City Council Rules of Procedure.

C. Term. Unless appointed to fill a vacancy mid-term, each Member's or Alternate Member's term of office shall be three years, unless the Member or Alternate Member resigns sooner or is removed from his or her position.

D. Term Limits. No Member may serve more than two consecutive terms; provided, however, that a Member appointed to fill a vacancy may serve two consecutive terms after the conclusion of the unexpired term to which he or she was appointed.

E. Vacancy. Any vacancy on the Committee shall be filled for the unexpired term by the Alternate Member if one has been appointed by the City Council pursuant to the City Council Rules of Procedure. If the Alternate Member has not been appointed, the position shall remain vacant until a new Member is appointed by the City Council to fill the vacancy. In cases of a vacancy due to the expiration of a Member's term, the Member shall remain seated until a successor is appointed.

F. Attendance. All Members and the Alternative Member are required to attend all Committee meetings, unless excused by the Chairperson. Three consecutive unexcused or unexplained absences from any regular or special meeting shall result in a vacancy in the position and shall be grounds for removal of the Member as outlined in Section G below.

G. Removal. Any Member and the Alternate Member may be removed upon a vote of not less than five City Council members for any cause as determined by the City Council in its sole discretion; provided, however, that in the case of removal of a Member or the Alternate Member due to excessive absences, it shall be assumed that said Member or Alternate Member has chosen to forfeit his or her seat on the Committee.

IV. Committee Officers and Staff.

A. Chairperson and Vice-Chairperson. At the first regularly scheduled Committee meeting of each calendar year, the Committee shall annually elect a Chairperson and Vice-Chairperson from among the Members. The Chairperson and the Vice-Chairperson must be an Avondale resident. The Chairperson and Vice-Chairperson shall assume responsibilities at the next scheduled meeting. The term of the Chairperson and Vice-Chairperson shall be for one year. Any Member serving as Chairperson or Vice-Chairperson shall be eligible for re-election; provided, however, that each Member may serve no more than two terms per office.

B. Duties of the Chairperson and Vice-Chairperson. The Chairperson shall (i) preside at all Committee meetings, (ii) decide all points of order and procedure, (iii) appoint subcommittees if necessary and coordinate the work of the subcommittees, (iv) serve as a representative of the Committee to other governmental units on such matters as have been approved and designated by the Committee and (v) perform any duties as required by law, ordinance or these Bylaws. The Chairperson shall have the right to vote on all matters before the Committee and shall have the right to make or second motions in the absence of a motion or a

second. The Vice-Chairperson shall act as an aid to the Chairperson and shall perform the duties of the Chairperson in his or her absence or inability to serve. In the absence of the Chairperson and the Vice-Chairperson, the City Staff Liaison shall call the meeting to order and a simple majority of the Members then present shall select an acting Chairperson for the meeting. If the Members present are unable to select an acting Chairperson, the City Staff Liaison shall act as the Chairperson for the meeting but without voting privileges.

C. Vacancy. A vacancy in the office of Chairperson shall be filled by the Vice-Chairperson. A vacancy in the office of Vice Chairperson shall be filled by a simple majority vote of the Members then present at the next meeting of the Committee.

D. Removal. The Chairperson or Vice-Chairperson may be removed from office at any time at a Committee meeting by an affirmative vote of a three-fourths majority of the Members then present.

E. City Staff Liaison. An Assistant City Manager or authorized designee shall serve as the City Staff Liaison to furnish support to the Committee as requested or as required to advise and furnish professional and technical advice.

F. Legal Counsel. The Committee may request that the Avondale City Attorney or authorized designee provide legal advice on points of order, procedure, or other matters related to the Committee's duties.

V. Committee Meetings.

A. Frequency. Committee meetings shall be held quarterly at the City of Avondale Civic Center, Avondale, Arizona, unless posted differently at least 24 hours in advance.

B. Additional Committee Meetings. Additional Committee meetings may be held (i) on the call of the Chairperson, (ii) by the request of two or more Members or (iii) by giving notice to all the Members and the Alternate Member by electronic, telephone or personal delivery or by verbal comment during a regular meeting. All notices shall be given, and posted according to the Arizona Open Meeting Law, at least 24 hours before the meeting.

C. Participation by the Public. Committee meetings shall be open to the public. For any matter under consideration, any person may submit written comments and, if attending in person, may speak to the issue upon being recognized by the Chairperson and stating his or her name and, if applicable the names of any person or organization on whose behalf he or she is appearing.

D. Quorum. A majority of the Committee Members present at a meeting shall constitute a quorum. A majority vote of those Members present shall be required to take official action. No action shall be taken at any meeting in absence of a quorum, except to adjourn the meeting to a subsequent date. The Alternate Member may not vote at any Committee meeting, except as provided in Section V(E) below.

E. Alternate Member Quorum. At a Committee meeting where a majority of the Members are not present and the Alternate Member is present, the Alternate Member may be counted to constitute a quorum to conduct the meeting. The Alternate Member may also vote at the meeting. At a Committee meeting where a majority of the Members are present to constitute

a quorum, the Alternate Member will not count towards the quorum and may not vote at the meeting.

F. Agenda. The agenda shall be prepared by the City Staff Liaison, reviewed by the Chairperson and posted no less than 24 hours before the Committee meeting in accordance with the Arizona Open Meeting Law.

G. Minutes. Minutes of the proceedings shall be retained and filed with the City Clerk's Department who will, in turn, file and post the minutes according to applicable law.

H. Open Meeting Law. The Committee is subject to the Arizona Open Meeting Law.

VI. Special Committees. The Committee may create special subcommittees for specific purposes as it deems necessary. Such subcommittees shall automatically dissolve when their work is completed and after their final reports have been accepted by the Committee.

VII. Amendments. Recommendations for amendments to these Bylaws must be approved by the affirmative vote of a majority of the Members then present. The Committee will then forward the recommendations for amendments to the Bylaws to the City Council for its consideration.