

ORDINANCE NO \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF LINDEN, TENNESSEE  
ESTABLISHING A PUBLIC ART COMMISSION.

WHEREAS, the Town of Linden supports successful collaborations between the ARTS Community, business interests, service groups, schools, art patrons and artists for optimum utilization of artistic resources and talents; and

WHEREAS, the Town of Linden dedicates developing the cultural climate of Linden to enhance the community image, create a visually pleasing environment, and support the growth of the local economy; and

WHEREAS, the Town of Linden wishes to promote awareness of the arts as vital to our cultural heritage, ethnic diversity, and our contemporary lives; and

WHEREAS, the Town of Linden strives to provide for all its citizens access to the region's best arts; and

WHEREAS, the Town of Linden wishes to create long range plans for the expansion of art within the town and the opportunity for our residents to experience art in public places.

NOW, THEREFORE, Be It Ordained by the Board of Mayor and Aldermen of the Town of Linden, Tennessee as follows:

SECTION 1: Definitions.

- A. "Town" means the Town of Linden
- B. "Commission" means the Linden Public Art Commission.
- C. "Commissioner" means an individual appointed to serve on the Public Art Commission.
- D. "Board " means the Linden Board of Mayor and Aldermen .
- E. "Mayor" means the Linden Mayor.
- F. "Public Art Fund" means the fund that is created by the board to implement the programs and policies described in this ordinance.
- G. "Public space" means any place or property within the town that is open to the general public for its use, or that is in public view, or is generally accessible to the public.

SECTION 2: The Town of Linden Public Art Commission. There is created a Public Art Commission.

A. Commission Structure-Membership. The Commission is an advisory body with nine appointed Commissioners. All Commission members shall reside within the Town of Linden at the time of appointment and throughout their terms of office. The Commission shall include one member who is a student in high school at the time of appointment and throughout the term of office. The Commission shall elect commission officers, which shall include a chairperson, vice chairperson, and secretary who shall serve for at least one year.

B. Appointment. The mayor shall appoint nine Commissioners, subject to confirmation by the Board of Mayor and Aldermen, must be conversant with public art and experienced with community issues and concerns. The town's Code of Ethics for Municipal Officers applies to all commissioners. Public notice of available positions must be provided by the town at least two weeks in advance of appointment.

C. Commission Terms. Initially, all Commissioners will serve one year terms beginning January 1, 2009 and ending December 31, 2009 . Three members, including the student member, will then be appointed for a one-year term, three members will be appointed for a two-year term, and three members will be appointed for a three-year term. Commissioners may then be re-appointed for additional three-year consecutive terms on a rotational basis with the exclusion of the high school student-member. The high school student-member shall serve a fixed term of one year.

D. Commission Responsibilities. The Commission shall advise the Mayor and the board I; develop policies for the acquisition, display, and presentation of public art; identify projects that can benefit from artists' involvement; select and commission artists; provide oversight for the maintenance of public artwork after the work is in place; and develop the annual program plan. The Commission shall make a report to the board at least annually. Members shall serve without salary or other compensation.

E. Meetings and Records. Commission meetings are subject to the Tennessee Public Meetings Act and records are subject to the Tennessee Public Records Act. The Commission shall hold regular meetings at least monthly. The Commission shall keep minutes of its regular public meetings and records of all official actions shall be made available to the public upon approval of the minutes by the Commission. Five members of the Commission shall constitute a quorum at a regular or special meeting of the Commission.

F. Staff Services. The town recorder shall provide administrative and staff services for the commission.

G. Procedures. The Commission shall establish its own procedures and rules for the transaction of its business. The procedures shall address the receipt and processing of citizen proposals and requests. The rules of the Commission shall provide that the commission may appoint subcommittees to meet the functions and responsibilities of the Commission. Any subcommittee appointed by the Commission shall be advisory to the Commission only.

H. Removal from the Commission. The board may remove any member of the Commission from office for incompetency, incompatibility or dereliction of duty, malfeasance in office, or other good cause. A member of the Commission may not absent himself or herself for three consecutive regular meetings without good cause as determined by the commission. After the end of the third meeting a member misses without good cause, the board may declare the office vacant. The Mayor shall appoint a new member subject to confirmation by the board to complete the remainder of the term of the removed member.

SECTION 3: Artists Involvement in Public Art Programs. The Commission will involve artists at the earliest appropriate project stage. The Commission will establish the artist selection process and define the scope of the work on a case-by-case basis to be included within the Annual Public Art Program.

SECTION 4: Selecting Artists. Artists shall be selected to participate in the town's Public Art Program through one of the following ways:

- A. Open competition. The Commission or a designated art selection panel may solicit through public advertisement requests for artists' slides, resumes, and letters of interest. The Commission or designee will review submittals and recommend an artist that meets the Commission's requirements.
- B. Invitational or Limited Competition. The Commission or designated art selection panel may invite a limited number of artists to submit applications or prepare proposals. From this limited pool, the Commission or designee may recommend artists based upon established criteria.

SECTION 5: Budget. A separate fund named the Public Art Fund is created in Section 9 to support the Commission and the Public Art Program. The Commission programs and operating expenses shall be funded from this fund, which shall be maintained by the town finance director. The commission chairperson shall submit the annual operating budget to the Mayor.

SECTION 6: Authority to accept donations and Grants. The town may receive offers of donations of artwork, funds for public art, and grants from state and federal agencies. Potential donors will be referred to the Commission to discuss the nature of the gift and for review and approval. After review, the Commission will recommend consideration or rejection of the offer and make a site recommendation if applicable. All financial gifts, bequests, and donations accepted by the Commission are subject to the approval by board. Donated funds will be accounted for individually and may be administered by the town finance director or designee, without further appropriation, consistent with the donor's restrictions and direction from the Commission.

SECTION 7: Annual Plan. The Commission, working in partnership with the town departments and citizens, shall develop a Public Art Program plan describing the art projects to be initiated from the Public Art Fund, the budget recommended for each art project, and any special projects categories to allow for program flexibility and responsiveness. The plan shall be transmitted to the Mayor who shall present the plan to the board. The board shall review the plan to be approved for spending authority by the first month of the new fiscal year.

SECTION 8: Cooperation with other commissions. In carrying out its functions and responsibilities, the commission may cooperate with other municipal or county art/cultural commissions. However, in no event shall any appropriation or expenditure be made from the public art fund, nor shall any effort be made by the commission, toward art projects that do not result in the placement of art work or projects within the town.

SECTION 9: Creation of Public Art Fund. There is established a special fund called the Public Art Fund into which all funds -- federal, state, local, or private -- shall be deposited that are received by the Town to acquire or provide for the advancement of visual and performing arts within the Town.

SECTION 10: Severability. If a part of this ordinance is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this ordinance is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

SECTION 11: This ordinance shall become effective immediately upon its passage, the public welfare requiring it.

Passed 1st reading \_\_\_\_\_, 2008

Passed 2nd reading \_\_\_\_\_, 2008

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Mayor Attest: City Recorder