



## ORDINANCE NO. 3567

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE CITY OF FARMERS BRANCH CODE OF ORDINANCES CHAPTER 2 "ADMINISTRATION" ARTICLE II "BOARDS, COMMITTEES, AND COMMISSIONS" BY ADDING DIVISION 9A "PUBLIC ART AND CULTURE COMMITTEE" ESTABLISHING THE PUBLIC ART AND CULTURE COMMITTEE; AMENDING SUBSECTION (a) OF SECTION 2-40 "SUNSET REVIEW OF CERTAIN BOARDS AND COMMISSIONS" BY ADDING THE PUBLIC ART AND CULTURE COMMITTEE; PROVIDING A TRANSITIONAL PROVISION FOR THE APPOINTMENT OF NEW MEMBERS AND ALTERNATE MEMBERS TO THE PUBLIC ART AND CULTURE COMMITTEE; AMENDING SECTIONS 9.B. AND 9.G. OF ORDINANCE NO. 3563 RELATING TO THE TRANSITION OF SEAT DESIGNATIONS AND APPOINTMENTS FOR HISTORICAL PRESERVATION AND RESTORATION BOARD AND THE SUSTAINABILITY COMMITTEE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, upon the advice and recommendation of the Public Art and Culture Ad Hoc Committee previously established by resolution of the City Council, the City Council desires and finds it to be in the public interest to establish a Public Art and Culture Committee as a standing committee of the City; and

**WHEREAS**, the City Council of the City of Farmers Branch, Texas, further finds it to be in the public interest to amend certain of the transition provisions contained in Section 9 of Ordinance No. 3563 to correct certain errors discovered after the passage of said ordinance

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** Code of Ordinances, Chapter 2 "Administration" Article II "Boards, Committees, and Commissions" is amended by adding a new Division 9A titled "Public Art and Culture Committee" to read as follows:

### **DIVISION 9A - PUBLIC ART AND CULTURE COMMITTEE**

**Sec. 2-251. Creation; Composition; Appointment.** There is hereby created the Public Art and Culture Committee, which shall consist of seven (7) members and two (2) alternate members composed of the following.

- (a) one (1) member serving as a representative of the Brookhaven College School of the Arts,

- (b) one (1) member serving as a representative of the Carrollton/Farmers Branch Independent School District Department of Fine Arts;
- (c) one (1) member serving as a representative of the Firehouse Theatre;
- (d) one (1) member representing a business operating at one or more locations within the City,
- (e) three (3) members who are residents and qualified voters of the City serving as representatives of non-profit organizations focused on community art; and
- (f) two (2) alternate members who shall be residents and qualified voters of the City

The regular members of the Committee identified in paragraphs (a), (b), and (c) of this Section shall be appointed at the discretion of the City Council from one or more names received from the President of Brookhaven College, the Superintendent of Schools of the Carrollton/Farmers Branch Independent School District, and the Executive Director of the Firehouse Theatre, respectively. All other members and alternate members of the Committee shall be appointed by the City Council.

**Sec. 2-252. Definitions.**

For the purpose of this division, the following terms, phrases, words and their derivations shall have the meaning given in this section.

*Committee* means the Public Art and Culture Committee

*Members* shall collectively mean regular members and alternate members of the board

**Sec. 2-253. Terms.**

- (a) The members identified in paragraphs (a), (b) and (c) of Section 2-251 shall serve an indefinite length term commencing on their respective dates of appointment by the City Council and ending on the date the person serving in said position (i) is no longer qualified to serve in that position or (ii) is removed by action of the nominating officer of the represented organization or the City Council
- (b) The member described in Section 2-251(d), one regular member identified in Section 2-251(e), and one alternate member shall serve a term of two (2) term years with terms beginning in odd numbered years

- (c) Two (2) regular members described in Section 2-251(e) and one alternate member shall serve a term of two (2) term years with terms beginning in even numbered years.

**Sec. 2-254. Vacancies.**

Vacancies on the Committee shall be filled in the same manner as the original appointment was made, such appointee to serve for the remainder of the unexpired term of the position that was vacated

**Sec. 2-255. Organization; meetings; rules of procedures; quorum; vote.**

- (a) The regular members of the committee shall organize and select their own officers each year Only regular members are eligible to serve as officers of the board
- (b) The committee shall hold regular meetings and shall designate the time and place of such meetings
- (c) The regular members of the committee shall adopt rules of procedure for the conduct of the committee's meetings and shall keep a record of its proceedings
- (d) A majority of the voting members of the Committee, inclusive of alternate members sitting as regular members, shall constitute a quorum for the transaction of business.

**Sec. 2-256. Compensation; expenditures; debts.**

The members of the committee shall serve without compensation, and, when it is deemed necessary by the committee to incur any expenses in performing the duties assigned to it, an estimate of proposed expenses shall be submitted to the city council, and no debts of any kind or any character shall be made or incurred by the committee, or anyone acting for the board, unless such expenditures have been specifically authorized by the city council prior to the time such obligations are incurred

**Sec. 2-257. Purpose and Authority**

- (a) The purpose and authority of the Committee shall be to
  - (1) study, consider and make recommendations to the City Council regarding the selection, acquisition, location, and disposition of Public Art in accordance with the City's Public Art Policy,

- (2) develop and recommend to the City Council programs that promote the general community interest, awareness, and participation in the City's Public Art program, including but not limited to the donation of artwork to be accepted as Public Art,
  - (3) recommend amendments to the Public Art Policy from time to time,
  - (4) perform such other tasks assigned to the Committee by the City's Public Art Policy, and
  - (5) perform such other tasks and projects as may from time to time be assigned to the Committee by the City Council.
- (b) The Committee shall be solely advisory. Neither the Committee nor its officers or members individually shall have any authority to take any action which legally binds the City to any contract or other obligation, including, but not limited to, the expenditure of funds or the acceptance of grants or donations.

**SECTION 2** Code of Ordinance Chapter 2 "Administration," Article II "Boards, Committees, and Commissions" Section 2-40 titled "Sunset Review of Certain Boards and Commission" is amended by amended subsection (a) to read as follows:

**Sec. 2-40 - Sunset Review of Certain Boards and Commission**

- (a) On June 30<sup>th</sup> in years ending with "0" and "5", the following boards and commissions shall terminate without further action of the City Council unless the City Council has affirmatively voted that the board or commission shall continue in existence until the next termination date
  - (1) Historical Preservation and Restoration Board,
  - (2) Farmers Branch Manske Library Board,
  - (3) Parks and Recreation Board,
  - (4) Public Art and Culture Committee,
  - (5) Senior Advisory Board, and
  - (6) Sustainability Committee

**SECTION 3.** In order to provide for the off-setting of certain terms of the Public Art and Culture Committee at the time of the initial appoint of the members and alternate members of the Committee

- (a) The initial terms of the people appointed to serve in the positions described in Section 2-251(d), one regular member described in Section 2-251(e), and one alternate member shall serve an initial term ending on June 30, 2021; and
- (b) The initial term of the people appointed to serve as two regular members appointed to serve in the position described in Section 2-251(e) and one alternate member shall serve an initial term ending on June 30, 2020

**SECTION 4.** The transition provisions set forth in Section 9 of Ordinance No 3563 are amended as follows.

**A.** Subsection B relating to the transition of the membership of the Historical Preservation and Restoration Board is amended by adding Paragraph 6 to read as follows.

- (6) The position identified as Place 11 by the City Secretary prior to the effective date of this Ordinance will be eliminated on the earlier of (i) July 1, 2019, and (ii) the date that a vacancy occurs in Place 11, respectively. The person serving in Place 11 on the effective date of this Ordinance shall continue to serve in said position as a regular member until the end of the person's current term on June 30, 2019, unless such person resigns, is removed by action of the City Council, or otherwise becomes disqualified or unable to serve in such position prior to said date

**B** Paragraph (2) of Subsection G relating to the transition of the membership of the Sustainability Committee is amended to read as follows.

- (2) The position identified by the City Secretary as Place 6 prior to the effective date of this Ordinance shall become an alternate member position and designated as Alternate Place 1 on the effective date of this Ordinance. The first term for Alternate Place 1 after the effective date of this Ordinance shall be July 1, 2019,

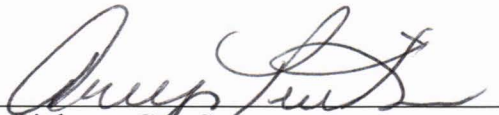
**SECTION 5.** All provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this Ordinance be, and the same are hereby repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect

**SECTION 6.** If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than the portion so decided to be invalid or unconstitutional

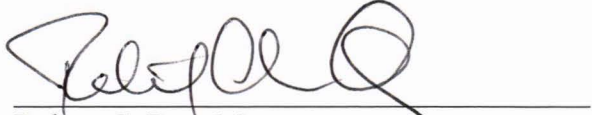
**SECTION 7** This ordinance shall take effect from and after its passage of said ordinance as the law and the City Charter in such cases provides

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,  
TEXAS, ON THIS THE 16<sup>th</sup> DAY OF APRIL 2019.**

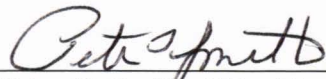
ATTEST

  
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Amy Piukana, City Secretary

APPROVED:

  
\_\_\_\_\_  
Robert C. Dye, Mayor

APPROVED AS TO FORM.

  
\_\_\_\_\_  
Peter G. Smith, City Attorney  
(kbl 4/9/19 107174)