

**CITY OF MADISON, WISCONSIN**

AN ORDINANCE \_\_\_\_\_

**amending Secs. 3.38(1)(b) and 8.33** of the  
Madison General Ordinances to change  
Madison CitiARTS to Madison Arts Commission.

Drafted by: Anne P. Zellhoefer  
Assistant City Attorney

Date: February 14, 2005

Fiscal Note: No fiscal impact.

SPONSOR: Ald. Verveer

PRESENTED February 22, 2005  
REFERRED Madison CitiARTS

REREFERRED \_\_\_\_\_

REPORTED BACK \_\_\_\_\_

ADOPTED \_\_\_\_\_ POF \_\_\_\_\_  
RULES SUSP. \_\_\_\_\_ Tabled \_\_\_\_\_  
PUBLIC HEARING \_\_\_\_\_

\* \* \* \*

MAYOR SIGNED \_\_\_\_\_  
PUBLISHED \_\_\_\_\_

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APPROVAL OF FISCAL NOTE IS NEEDED  
BY THE COMPTROLLER'S OFFICE  
Approved By  
\_\_\_\_\_  
Comptroller's Office

\* \* \* \*

ORDINANCE NUMBER \_\_\_\_\_  
ID NUMBER \_\_\_\_\_

The Common Council of the City of Madison do hereby ordain as follows:

1. Subdivision (b) of Subsection (1) entitled "Basic Salary Schedules By Compensation Groups" of Section 3.38 entitled "Compensation Plan" of the Madison General Ordinances is amended by deleting the classification of "CitiARTS Program Administrator" in Compensation Group 18, Range 10, and recreating said classification as "Madison Arts Program Administrator" in Compensation Group 18, Range 10.

2. Section 8.33 entitled "Madison CitiARTS AND Madison CitiARTS Plan" of the Madison General Ordinances is amended to read as follows:

**"8.33 MADISON CitiARTS ARTS COMMISSION AND MADISON CitiARTS ARTS COMMISSION PLAN.**

(1) Purpose. With the understanding that all people need and are capable of responding to artistic expression, and that the arts enhance the quality of civic and personal life, the City of Madison is committed to a civic policy which supports the unique value of the arts in all their variety. Through sponsoring artistic activities of its citizens, the City recognizes

Approved as to form:

that a culturally diverse and proud community is one true expression of a democratic society.

(2) Definitions.

- (a) "Commission" means Madison CitiARTS Arts Commission.
- (b) "Madison CitiARTS Arts Commission Plan" means the plan required by Section 8.33(6)(a), as amended from time to time.
- (c) "Madison CitiARTS Arts Commission Fund" means the fund identified in Sec. 8.33(7).

(3) Structure. Madison CitiARTS Arts Commission shall be a commission of the Department of Planning and Development and shall be staffed by an Arts Administrator who shall report to the Director of Planning and Development or her/his designee. The Commission shall be responsible for implementing and awarding grants in the Art in Public Places Program, CitiARTS Madison Arts Commission Grants Program and additional programs adopted pursuant to the approved Madison CitiARTS Arts Commission Plan as provided herein.

- (4) (a) Commission Membership. The Commission shall consist of eleven (11) voting members: one (1) alderperson, and ten (10) adult city resident members all appointed by the Mayor and confirmed by the Common Council. In addition, the Director of Planning and Development may appoint one non-voting ex officio member.
- (b) Terms. The terms of four (4) of the voting commission members shall expire on April 30, 1996; four (4) on April 30, 1997; and four (4) on April 30, 1998. Thereafter, the terms of all voting commission members shall be for three (3) years, or until their successors are qualified, except that the term of the aldermanic member shall expire with the expiration of her/his term as alderperson. No adult city resident member shall serve more than ~~two (2)~~ three (3) consecutive three-year terms. However, an adult city resident member, appointed to fill the unexpired term of a former member, shall be eligible to serve two (2) full consecutive three-year terms.
- (c) Conduct of Members. All members shall be allowed to vote on any agenda item, except no member may:
  - 1. Use or attempt to use her/his position to obtain financial gain or anything of value or any advantage, privilege or treatment for the private benefit of herself/himself or her/his immediate family, or for an organization with which she/he is associated;
  - 2. Use her/his position in a way that produces or assists in the production of a benefit, direct or indirect, for her/him or a member of her/his immediate family either separately or together, or for an organization with which the member or her/his immediate family is associated.
  - 3. When a matter in which a member(s) should not participate comes before the commission, the member shall not participate in that portion of the body's meeting involving discussion, deliberations, and votes related to the matter; and, if a member of the commission requests the disqualified member to leave the room, that member shall physically absent herself/himself from that portion of the meeting involving discussion, deliberations and votes related to that matter, and the minutes of the meeting shall reflect her/his absence. See Sec. 3.47(5)(f)3., Madison General Ordinances.
  - 4. The above provisions are included as a reminder that the City's Ethics Code, Sec. 3.47 of these ordinances, applies in its entirety and should guide the conduct of each member.

(5) Budget. An amount established during the annual budget process shall be deposited through direct appropriation in the account of the Madison CitiARTS Arts Commission Fund. The Commission may provide for the commitment of unrestricted funds to art projects located anywhere within the City of Madison or on City-owned property outside the City of Madison. Monies contributed to or donated for the Madison CitiARTS Arts Commission Fund shall be expended by the Commission for projects as prescribed by the Madison CitiARTS Arts Commission Plan, and any unexpended funds shall be carried over automatically in the Madison CitiARTS Arts Commission Fund for a period of

five (5) years. Any funds carried over for five (5) years, and still unexpended at the expiration of such period shall be transferred to the General Fund; provided, however, that funds derived from revenue or general obligation bond issues or from utility revenues or other special purpose or dedicated funds shall revert to the funds from which appropriated at the expiration of the five (5) year period.

- (6) Commission Authority. To carry out its responsibilities hereunder, the Commission shall:
- (a) Prepare, adopt and amend with the Mayor's and Director of Planning and Development's approval an annual plan and guidelines to carry out the Madison ~~CitiARTS~~ Arts Commission Plan for adoption by the Common Council, which shall include, but not be limited to a method or methods for the selection of artists or works of art, including visual and performing arts, and for placement of works of art.
  - (b) Purchase works of art or commission the design, execution and/or placement of works of art and provide payment therefore from the Madison ~~CitiARTS~~ Arts Commission Fund.
  - (c) Require that all proposed outdoor works of art for purchase or commission shall be presented for site and design concept review to the Parks Commission, if on park land, the Urban Design Commission, the Plan Commission, affected departments, the affected alderperson(s) and neighborhood associations, at a public hearing, and finally, the Common Council.
  - (d) Adopt rules and regulations, approved by the Common Council, consistent with this ordinance to facilitate the implementation of its responsibilities hereunder.
- (7) Madison ~~CitiARTS~~ Arts Commission Fund. The Madison ~~CitiARTS~~ Arts Commission Fund is a segregated fund in the City Treasury that receives and holds funds appropriated by the Common Council for purchase and expenditures on art activities, including visual and performing arts, as specified in Sec. 8.33(6). Disbursements from such fund shall be made in connection with projects approved by the Commission on vouchers and approved by the Director of Planning and Development or such other person as may be designated for specific projects. The City Treasurer shall pay the necessary warrants and make the necessary transfers."