

CITY OF MADISON, WISCONSIN

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

PRESENTED  
REFERRED

September 4, 2012  
MAC; CCOC  
\_\_\_\_\_

Renumbering and amending Section 8.33 as Section 33.34 of the Madison General Ordinances to update and clarify the functions of the Madison Arts Commission.

Drafted by: Maureen O'Brien

Date: August 28, 2012

SPONSOR: Mayor Soglin

DRAFTER'S ANALYSIS: Currently the ordinance outlining the functions and duties of the Madison Arts Commission is found in Chapter 8, entitled "Public Property." Most City Commissions are found in Chapter 33, entitled "Boards, Commissions and Committees." This renumbering places the Arts Commission in that Chapter, and updates and clarifies some of the functions of the Commission.

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

Section 8.33 entitled "Madison Arts Commission and Madison Arts Commission Plan" of the Madison General Ordinances is renumbered and amended to read as follows:

**8.3333.34 MADISON ARTS COMMISSION AND MADISON 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 that a culturally diverse and proud community is one true expression of a democratic society. The arts are an intrinsic expression of human life. Thriving communities enjoy shared experiences of diverse and abundant arts and culture. Arts investments create jobs, leverage private gifts, build a sense of place, invite tourism, revitalize neighborhoods, attract creative people, cultivate democracy, preserve cultural legacy, generate local tax revenue, and enhance our quality of life. The Madison Arts Commission exists to fund artistic activities and support cultural programs that integrate and advance arts and culture as an essential part of life in Madison.~~
- (2) Definitions.
  - (a) "Commission" means Madison Arts Commission.
  - (b) ~~"Madison Arts Commission Plan" means the plan required by Section 8.33(6)(a), as amended from time to time.~~
  - (c) ~~"Madison Municipal Arts Commission Fund" means the fund identified in Sec. 8.3333.34(7).~~
- (3) Structure. Madison Arts Commission shall be a commission of the Department of Planning and Community and Economic Development and shall be staffed by ~~an~~ the Arts Coordinator Program Administrator within the Planning Division of the ~~who shall report to the Director~~ Department of Planning and Community and Economic Development, or her/his designee. ~~The Commission shall be responsible for implementing and awarding grants in the Madison Arts Commission Grants Program and additional programs adopted pursuant to the approved Madison Arts Commission Plan as provided herein.~~

Approved as to form:

- (4) (a) Commission Membership. The Commission shall consist of eleven (11) ~~voting citizen members including one (1) alderperson. ten (10) adult city resident members.~~ The remainder of the Commission shall be made up of representatives from the following categories, with at least one representative from each:
1. Art education (early, primary, secondary, and/or post secondary).
  2. Creative sector commerce (individuals engaged in commercial enterprises in the arts including but not limited to: advertising, design, film, music, performing arts, publishing, research and development, software, toys and games, TV and radio, and video games).
  3. Creative disciplines related to shaping the built environment (artists or administrators who engage in professional level public art, architecture, landscape architecture).
  4. Creative workers (individuals whose professional contributions are based on creative content such as actors, writers, painters, printmakers, musicians, dancers, etc.).
- ~~all Members shall be appointed by the Mayor and confirmed by the Common Council. In addition, the Director of Planning and Community and Economic Development may appoint one non-voting ex-officio member.~~
- (b) Terms. The terms of ~~four three (43)~~ four three (43) of the ~~voting~~ commission members shall expire on April 30, ~~19962014~~; ~~four three (43)~~ four three (43) on April 30, ~~19972015~~; and ~~four (4)~~ four (4) on April 30, ~~19982016~~. 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 citizen~~ member shall serve more than two (2) consecutive three-year terms. However, an ~~adult city resident citizen~~ member appointed to fill the unexpired term of a former member, or appointed before April 30, 2014, 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. 3.35(5)(f)3., Madison General Ordinances.
  4. The above provisions are included as a reminder that the City's Ethics Code, Sec. 3.35 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 Municipal 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 Municipal Arts Commission~~ Fund shall be expended by the Commission for projects ~~as prescribed by the Madison Arts Commission Plan~~, and any unexpended funds shall be carried over automatically in the ~~Madison Municipal 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 Community and Economic Development's approval an annual plan and guidelines to carry out the Madison 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 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.~~
  - (a) Advise the Mayor and the Common Council with regard to policies and regulations related to the arts, culture, and creative commerce;
  - (b) Conduct the city's public art program, including purchasing works of art or commissioning the design, execution and/or placement of works of art;
  - (c) Advise municipal efforts to engage artists and creative workers and groups in a broad range of civic and capital initiatives;
  - (d) Coordinate and support efforts to unite and focus municipal programs and services as they relate to arts and cultural activities and creative sector commerce;
  - (e) Establish and administer guidelines and procedures for the distribution of grants and the issuance of requests for proposals for creative services;
  - (f) Review and evaluate the performance of external contractors to the city in the areas of arts and culture;
  - (g) Provide for ongoing, regular cultural planning on behalf of the city.
- (7) ~~Madison Municipal Arts Commission Fund.~~ The ~~Madison Municipal 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. ~~8.3333.34~~(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 Community and Economic 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.”