

ORDINANCE NO. 2015 - 9

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING CHAPTER 1, GENERAL PROVISIONS OF THE BASTROP CITY CODE OF ORDINANCES, TO AMEND ARTICLE 1.16 ‘ART IN PUBLIC PLACES’, MAKING THE ART IN PUBLIC PLACES TASK FORCE A CITY BOARD, PROVIDING FOR MEMBERSHIP, POLICIES AND REGULATIONS RELATED TO SAME; PROVIDING A SEVERABILITY CLAUSE, REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about June 26, 2012, the City Council of the City of Bastrop passed Ordinance 2012-13 which established the City’s Art in Public Places ‘Task Force’ as a seven (7) person volunteer body to act as a n advisory body to the City Council in matters related to the City’s art in public places program (referred to as the ‘BAIPP Task Force’); and

WHEREAS, since its inception, the BAIPP Task Force has been a vibrant, engaged and energetic body of volunteers who have actively participated in the beautification of the City through the placement of art in public places, and

WHEREAS, the work done by the BAIPP since June 2012 has promoted art tourism in the City, and has helped the City showcase to the citizens of and visitors to the City the creative and artistic accomplishments of the artists who have been selected to participate in the BAIPP’s projects, to date; and

WHEREAS, the members of the BAIPP Task force believes that the BAIPP would benefit and therefore have asked that the Council approve transforming the BAIPP Task Force into a City Board, and the Council hereby concurs and desires to formally acts to make such transition for the BAIPP Task Force.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS:

Part 1: That Chapter 1, General Provisions of the Code of Ordinances, City of Bastrop, Texas, Article 1.16, entitled ‘Art in Public Places’, is hereby amended to be read as follows:

ARTICLE 1.16 ART IN PUBLIC PLACES

Sec. 1.16.001 Board Established.

(a) The city council hereby establishes the Bastrop Art in Public Places Board, of the City of Bastrop, to be known as the Bastrop Art in Public Places Board (BAIPP).

Section 1.16.002 Membership , appointment, vacancies and attendance.

(a) The BAIPP Board shall consist of a minimum of five (5), but no more than nine (9) members, appointed by the Mayor and subject to confirmation by the Council. The BAIPP may have a minimum of one “non-voting” *ex officio* representative from the City Council, who shall be appointed by the Mayor, and who shall not count as a Member of the BAIPP, for any purpose. The *ex officio* representative shall operate as a Council liaison with the BAIPP Board. A simple majority of the Board’s then existing voting membership shall constitute a quorum. For purposes of the first appointed Board serving after this ordinance’s adoption, the existing terms of office for the then serving ‘task force members’ shall carry forward to their board service.

(b) The BAIPP Board members shall be appointed for terms of three (3) years. Each seat on the Board will be assigned a “place.” Board members’ terms of service shall be “staggered,” so that the entire membership of the Board will not be subject to replacement at any single point in time. To the extent possible, staggering shall be done so that the Board membership is divided into thirds. Initial staggering of the membership will be accomplished by having all appointees/members who are serving as of the first annual meeting following approval and passage of this section (held in July), “draw lots” to determine which “place” will have what number of service in the transition period (e.g., 1/3 of the places will draw for one-year terms, 1/3 of the places will draw for two-year terms, and the remaining 1/3 of the places will draw for three-year terms.) After the first July meeting, staggering of membership, by place, will begin.

(c) In the event of a vacancy, an individual appointed to fill the vacancy will serve only the remaining term of the individual who is being replaced by the appointee, so that the staggering of terms shall remain intact.

(d) The members of the Board shall reside within the city’s extraterritorial jurisdiction and/or the city, or may, in the sole discretion of the City Council, reside outside of the corporate limit and the extraterritorial limits so long as the appointed individual provides exceptional expertise with regard to the Board’s responsibilities. Board members are responsible for recruiting new and replacement members and for making recommendations to the City Council.

(e) Community participants. The BAIPP shall have the responsibility for identifying and recommending to the Mayor and the Council individuals who shall be appointed by the Mayor, with Council confirmation, to assist the Board as “non-voting” community participants of the BAIPP, as the Council deems necessary and as requested by the Board. Such non-voting community participants of the BAIPP may include Bastrop youth and BISD students, as recommended. These community participants shall be appointed for a one-year term, with the right of reappointment for a single one-year additional term, at the discretion of the Board’s recommendation and the Council’s approval.

(f) Attendance requirements for the Board members are set forth in the Code, section 1.02.002(b), et seq.)

Section 1.16.003 Purpose, Powers and Duties of the BAIPP.

- (a) The BAIPP shall act as an advisory board to the city council in matters related to the city's art in public places program, with the goal of increasing awareness and appreciation of art, as well as increase civic pride, through the display of art in the City of Bastrop, Texas.
- (b) The BAIPP's procedures, duties and powers are set forth in the Board's amended Bylaws, which derive from the original Task Force Bylaws, as approved by the City Council in June 2012, as amended and updated.

Part 2: If any section or part of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, that holding shall not invalidate or impair the validity, force or effect of any other section or part of this Ordinance or Code of Ordinances, City of Bastrop, Texas.

Part 3: This Ordinance supersedes and repeals all Ordinances or parts of Ordinances, if any, in conflict herewith; however, such present Ordinances shall remain in full force and effect until the effective date of this Ordinance.

Part 4: This Ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of State of Texas.

READ and Acknowledged on First Reading on the 14th day of JULY, 2015.

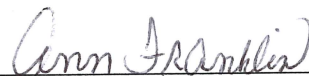
READ and Adopted on Second Reading on the 28th day of JULY, 2015.

APPROVED:



Ken Kesselus
Mayor

ATTEST:



Ann Franklin
City Secretary

APPROVED AS TO FORM:



Jo-Christy Brown, City Attorney