

**ORDINANCE NO. 2021-22**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA CLARIFYING THE DUTIES OF THE BEAUTIFICATION AND PUBLIC ART COMMISSION, AND CLARIFYING THAT THE PROCUREMENT CODE MANUAL PROCEDURES APPLY TO EXPENDITURES OF ARTS AND SCIENCES AND BEAUTIFICATION FUNDS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE**

**RECITALS:**

WHEREAS, the City of Flagstaff desires to clarify the duties of the Beautification and Public Art Commission, and to clarify that the Procurement Code Manual applies to expenditures of Arts and Sciences and Beautification funds;

**ENACTMENTS:**

**NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:**

SECTION 1. In General.

The Flagstaff City Code, Title 2, *Boards and Commissions*, Chapter 2-14, *Beautification and Public Art Commission*, Section 2-14-001-0006 *Duties*, is hereby amended as follows (additions shown in capitalized, underlined text):

**2-14-001-0006 DUTIES:**

The duties of the Commission shall be to:

A. The Commission shall be responsible for preparing a Five (5) Year Plan. The Five (5) Year Plan shall be used as a guideline for future programs. Said Plan shall be presented to the Council prior to April 1st of each year.

B. Develop and present to City Council an Annual Plan outlining the Commission's program recommendations for the upcoming fiscal year. Said plan shall be presented to the Council prior to April 1st of each year.

C. Make recommendations to the City Council concerning the annual budgetary allocation of the beautification and public art portions of the Bed, Board and Booze Tax and other monies as deemed appropriate by the City Council, to include, but not be limited to:

1. Purchase, installation or modification of landscaping and irrigation systems;
2. Purchase, removal or modification of billboards and nonconforming signs;
3. Beautification of buildings and facilities, streetscapes and gateways;

4. Purchase and installation of public art projects;
  5. Purchase or lease of easements or property necessary for beautification projects.
- D. Make recommendations to the City Council for public art projects by:
1. Reviewing and defining potential public art projects and writing project descriptions.
  2. Determining the artist selection method and writing the call to artists for public art projects.
  3. Evaluating public art proposals for recommendation to the City Council.
  4. Facilitating display of local art in public facilities.

RECOMMENDATIONS TO CITY COUNCIL ARE REQUIRED FOR A PUBLIC ART PROPOSAL WHEN THE RESULTING CONTRACT WILL BE \$50,000 OR MORE.

E. With respect to the arts and science portion of the Bed, Board and Booze Tax allocated under Chapter 3-06, Hospitality Industry Tax Revenues, the Commission shall make recommendations to the Council concerning the annual budgetary allocation of the arts and science portion of this tax, to include but not be limited to:

1. Developing and supporting the Flagstaff arts, scientific and cultural activities, events and organizations to provide direct and indirect citizen participation, and opportunities for enhancement of the overall quality of life and community image.
2. Developing, acquiring and distributing material to promote arts and science.
3. Developing financial assistance programs to stimulate artistic and scientific activities in Flagstaff.
4. Retaining of appropriate staff to implement approved programs.

F. Perform those additional duties as determined by the City Council, related to the Beautification and Public Art Commission.

G. CONTRACTS FOR ARTS AND SCIENCES AND BEAUTIFICATION ARE SUBJECT TO PROCUREMENT UNDER THE PROCUREMENT CODE MANUAL. IN ADDITION, THE CITY COUNCIL, CITY MANAGER OR HIS OR HER DESIGNEE(S) MAY REQUEST THE COMMISSION TO MAKE RECOMMENDATIONS REGARDING ANY ARTS AND SCIENCES OR BEAUTIFICATION PROPOSAL.

SECTION 2. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

SECTION 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the fee schedule adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4. Effective Date.

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 5th day of October, 2021.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY