

## ORDINANCE NO. 2024-1611

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 3 ARTICLE 9, PUBLIC AND PERFORMING ARTS PROGRAM, OF THE GOODYEAR CITY CODE, PROVIDING FOR CORRECTIONS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and Council of the city of Goodyear believe it is in the best interests of the City to amend Chapter 3 of the Goodyear City Code by amending Article 3-9, entitled Public and Performing Arts Program; and

WHEREAS, the changes to Article 3-9 are for the purposes of providing more inclusive language, allowing the Mayor and Council and Arts and Culture Commission more authority in naming an ex officio member, and reordering language for clarity.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1.     AMENDING ARTICLE 3-9 PUBLIC AND PERFORMING ARTS PROGRAM OF GOODYEAR CITY CODE

Article 3-9 of Goodyear City Code is hereby amended by amending all sections and subsections of Article 3-9 as set forth in that certain document titled, "Amendment to Article 3-9 (Public and Performing Arts Program) of Goodyear City Code," which is attached to this Ordinance 2024-1611 as Exhibit "A", a copy of which is on file with the City Clerk of the City of Goodyear, and which is referred to, adopted and made a part hereof as if fully set forth in this Ordinance 2024-1611.

SECTION 2.     CORRECTIONS

The City Clerk, and the codifiers of this Ordinance are authorized to make necessary clerical corrections to this Ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

SECTION 3.     SEVERABILITY

If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions of the ordinance or parts thereof.

SECTION 4.     EFFECTIVE DATE

This Ordinance shall become effective as prescribed by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a \_\_\_\_\_ vote, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Joe Pizzillo, Mayor

Date: \_\_\_\_\_

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Darcie McCracken, City Clerk

\_\_\_\_\_  
Roric Massey, City Attorney

**EXHIBIT 'A'**  
**AMENDMENT TO ARTICLE 3-9 (PUBLIC AND PERFORMING ARTS PROGRAM) OF**  
**GOODYEAR CITY CODE**

Upon Council Adoption of Ordinance No. 2024-1608, Chapter 3 (Administration), Article 3-9 (Public and Performing Arts Program) of Goodyear City Code is hereby amended to amend all sections and subsections of Article 3-9 to read as follows (with deletions shown by ~~strikeout text~~ and additions shown as CAPITALIZED AND UNDERLINED TEXT).

**3-9-1 Statement of purpose: ~~Public and performing arts program.~~**

The intent of this article is to beautify public areas, enhance quality of life for Goodyear citizens RESIDENTS, attract tourism, promote City services and departments, provide a mechanism to meaningfully involve citizens RESIDENTS in the design of their environment, and encourage businesses to locate within the City, thus expanding Goodyear's economic base through the promotion and encouragement of private and public programs, to further the development and public awareness of and interest in the visual and performing arts, to increase employment opportunities in the arts, and to encourage the integration of art into the architecture of municipal structures. This program shall hereinafter be referred to as the "Public and Performing Arts Program."

**3-9-2 Definitions.**

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ANNUAL PUBLIC ART PROJECT PLAN.** Recommendations from the Commission for public art projects and performing arts expenditures proposed for each immediate fiscal year and projections for public art and performing arts expenditures for the next five fiscal years, which report shall be submitted prior to April 1st of each year. The Mayor and City Council will review the plan in a policy session. City Council may amend and approve the final plan by increasing or decreasing the amount of money allocated for public and performing arts projects in a regular session.

**CAPITAL IMPROVEMENT PLAN PROJECT.** Any capital project paid for wholly or in part by the City for design services, engineering, and related costs for new construction or the substantial remodeling of any building, structure, park, utility, street, sidewalk, parking facility, bridge or utility undertaking within the limits of the City. Capital improvement plan projects also include capital projects for construction, remodeling, or expansion of water production and storage facilities, wastewater treatment and reclamation facilities, drainage facilities, and infrastructure for water or wastewater projects, within the limits of the City.

**COMMISSION.** The Goodyear Arts and Culture Commission.

**PERFORMING ARTS.** Art disciplines, including but not limited to dance, music, and theatre, which are presented in a public forum within the limits of the City.

**PUBLIC AND PERFORMING ARTS PROGRAM.** Performing Arts or Public Art projects as authorized by this chapter and as recommended by the Goodyear Arts and Culture Commission in the Annual Public Art Project Plan.

**PUBLIC ART.** Works of art placed in areas accessible to the public. Examples of public art include, but are not limited to, murals, fountains, sculptures, and paintings.

### **3-9-3 Goodyear Arts and Culture Commission.**

(A) To carry out the responsibilities and duties set forth herein, there is hereby created a "Goodyear Arts and Culture Commission" to consist of nine voting members plus one alternate and one standing ex officio member. The Commission shall strive to include one Goodyear business owner; AND one Goodyear resident who is a visual or performing artist; ~~and one standing ex officio member from the West Valley Arts Council.~~ All members, with the exception of the ex officio member ~~from the West Valley Arts Council~~, shall be residents of the City of Goodyear at large.

(B) The members of the Arts and Culture Commission shall serve for a term of three years. NO MEMBER SHALL SERVE ON THE COMMISSION FOR MORE THAN TWO CONSECUTIVE THREE YEAR TERMS. If a vacancy occurs on the Commission, the City Council shall appoint the alternate member to complete the unexpired term. The unexpired term does not count against total appointment time. Members shall serve until their successors are appointed.

(C) Chairpersons and Vice Chairpersons shall be elected by the members of the Commission for terms of one year. ~~No member shall serve on the Commission for more than two consecutive three year terms.~~ All officers shall be elected from among the membership of the Commission.

(D) The Commission shall act as an advisory body to the City Manager and the City Council and make recommendations regarding, but not limited to:

- (1) Policies, priorities, and plans for promoting, advancing, and maintaining Public Art Projects and Performing Arts events and programs in Goodyear;
- (2) Allocation and budgeting of funds for Public Art and Performing Arts through the Annual Public Art Project Plan;
- (3) Encouraging the promotion of Arizona artists in City art projects by setting annual goals to be identified in the Annual Public Art Project Plan and approved by City Council;
- (4) Encouraging ~~citizens~~ RESIDENTS input and involvement in the design and selection of artists for public art projects and performing arts events and programs;
- (5) Coordinating with the private sector and other governmental agencies in promoting arts and cultural excellence as a tool for the encouragement of economic development, business relocation and tourism; and

(6) Organizing and promoting Public Art Projects and Performing Arts events and programs that celebrate the City and its unique cultural heritage.

(E) Five of the nine voting members of the Commission shall constitute a quorum for conducting Commission business and action may be had upon a majority vote of the quorum.

(F) The Commission may organize committees and adopt rules and procedures necessary to accomplish its purpose.

(G) The Commission may approve the artist and the art concept, subject to the Goodyear Procurement Rules and Regulations and any other applicable law.

(H) The Commission may engage in fundraising activities for the purpose of advancing public art projects and performing arts events and programs. All money collected by the Commission pursuant to this provision shall be placed in a separate revenue generating account used to carry out the intent of this article.

#### **3-9-4 Public art fund.**

(A) The City shall establish a special fund designated as "Public Art Fund" into which funds appropriated in accordance with the City's annual budget process and as contemplated by this article shall be allocated. Up to 1% of costs for eligible Capital Improvement Plan Projects may be allocated to the Public Art Fund.

(B) The monies appropriated for the Public Art Fund may be used to fund any public art project that is authorized in accordance with this article. The Public Art Fund is not available for performing arts events and programs recommended by the Commission.

(C) Expenditures from the Public Art Fund shall be recommended by the Commission through its Annual Public Art Project Plan and shall be subject to approval by the City Council. Expenditures must conform to the City's procurement regulations, as may be amended from time to time.