

ORDINANCE NO. 1043 (2022/2023)

AN ORDINANCE AMENDING THE CITY CODE OF ORDINANCES OF THE CITY OF NEVADA, IOWA, 2022 TO ADOPT CHAPTER 29, ESTABLISHING A PUBLIC ARTS ADVISORY COMMISSION

WHEREAS, public art makes places memorable and appealing, and reflects the time, energy, resources, and the spirit of the community; and

WHEREAS, a Public Arts Advisory Commission working in partnership with City departments, developers, and other public and private-sector organizations and agencies to develop, plan and implement a Public Arts Master Plan will aid in the development of meaningful public arts, thorough consideration of each piece, and the use of city and private resources for the benefit of all citizens of Nevada; and

WHEREAS, a Public Arts Advisory Commission will aid the City in providing opportunities for citizens of the City of Nevada to experience and participate in the cultural and artistic legacy of this region by advising the Mayor and City Council concerning opportunities for the placement of art in public places and in designated City and private sector construction projects; and

WHEREAS, a Public Arts Advisory Commission is intended to establish and ensure a process to allow for a more thorough review of artistic public sector projects and assist in artistic private sector projects, when appropriate, that sustain interest and support for public arts within the City of Nevada and encourage economic development, a sense of place, and tourism.

NOW, THEREFORE BE IT THEREFORE ORDAINED, by the City Council of the City of Nevada:

SECTION 1. Addition of New Chapter—Chapter 29, Public Arts Advisory Commission, is hereby established as follows:

29.01 PURPOSE

The purpose of this chapter is to establish a Public Arts Advisory Commission, hereinafter referred to as “the Commission” and assist and advise the Nevada City Council in the promotion of public arts within the City’s physical environment and public spaces.

29.02 ORGANIZATION OF THE COMMISSION

The Commission shall consist of seven (7) members, appointed by the Mayor with the approval of the City Council. The appointment of each member of the Commission shall be for staggered terms of three (3) years. At the time of initial appointment, the Mayor shall designate the length of term for each member to provide for staggered terms.

1. Upon appointment, the Commission shall be called together by the Mayor and shall organize by electing one member as Chair and one as Recording Secretary from any of its members. The Chair and Secretary shall each serve one-year terms, but be eligible for reelection to those positions in the discretion of the commission.

2. A majority of the membership of the Commission shall constitute a quorum. The City Administrator or designee shall act as City Staff to the Commission and shall attend all commission meetings.
3. All members of the Commission shall serve as such without compensation.
4. Any Commission member may be removed from the Commission for any reason by the Mayor, subject to the approval of the City Council. Any such removal shall be stated in writing and filed with the City Clerk's Office and a copy thereof filed with the Chair of the Commission. Any member consistently absent from the Commission meetings, without sufficient excuse, shall be considered to have vacated their appointment. In the event a vacancy arises, a new commission member shall be appointed by the Mayor with the approval of the City Council, and the commission member so appointed shall serve the balance of the unexpired term. Any vacancies shall be filled within sixty (60) days after the position becomes vacant.
5. Membership shall be open to a balanced, diverse mixture of citizen representatives from the community at large who are recognized for their interest or experience with visual arts. Members shall reside within the municipal boundaries of the City of Nevada and members shall not hold any other elective or appointed offices within the City government.

29.03 POWERS AND DUTIES

The Commission shall have the following powers and duties:

1. Advise the City Council on the acquisition, placement, and maintenance of public arts on City property including public arts in connection with a capital improvement project. No public arts shall be installed, or existing work of public arts removed from public spaces, without first being reviewed by the Commission.
2. Hold public meetings to take place at least quarterly and maintain a record of its proceedings as required by Chapter 22 of the Iowa Code.
3. Advise and assist the City Council with regard to the creation and adoption of a Public Arts Master Plan, which shall include at the minimum criteria and methods of selecting artists, public art installations, location and placement of public art, and funding criteria and guidelines. The Master plan, to be adopted by the City Council, may also enumerate in detail the Commission's roles and responsibilities in overseeing the public art program.
4. Make recommendations to the City Council on the amount and allocation of City funding for visual arts programs and services.
5. Prepare an annual report to the City Council summarizing the commission's activities during the preceding year and make recommendations for the proposed activities for the succeeding year by the commission.
6. Propose such rules and regulations governing the commission as it may deem necessary, and which are not in conflict with federal, state, and municipal laws, to the City Council for consideration and approval.
7. Consistent with City Council policy, serve as advocates for public arts to the City Council, as well as the private sector, local, regional, state, and federal governments.

8. Explore, advocate for, and secure non-City sources of funding for the visual arts.
9. Thoroughly consider the operation and maintenance expenses associated with works of public art. If the proposed work of art requires extraordinary operation and maintenance expenses, the Commission shall recommend another work of art or submit a statement of overriding consideration as to why the public art should be utilized, notwithstanding its extraordinary operation or maintenance expense
10. Collaborate and consult with private sector for requested artwork to be incorporated.

29.04 ADMINISTRATIVE POLICIES

All administrative, accounting, budgetary, and procurement policies of the City shall govern the Commission in all its operations.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in effect upon its final passage, approval and publication as provided by law.

Passed and approved this 13th day of March, 2023; first reading

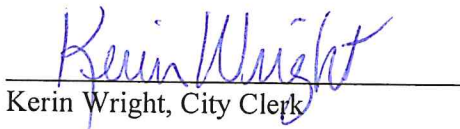
Passed and approved this 27th day of March, 2023; second reading

Passed and approved this 27th day of March, 2023; waived third and final reading. Enacted upon publication.



Barb Mittman, Mayor Pro tem

Attest:


Kerin Wright, City Clerk

1st Reading – March 13, 2023

Motion by Council Member Sandy Ehrig, seconded by Council Member Barb Mittman, to adopt the first reading of Ordinance No. 1043 (2022/2023).

AYES: Ehrig, Mittman, Nealson, Sampson, Hanson
NAYS: None
ABSENT: Skaggs

2nd Reading – March 27, 2023

Motion by Council Member Dane Nealson, seconded by Council Member Sandy Ehrig, to adopt the second reading of Ordinance No. 1043 (2022/2023).

AYES: Nealson, Ehrig, Hanson, Sampson, Skaggs
NAYS: None
ABSENT: None

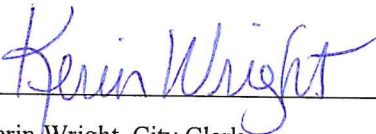
3rd Reading – March 27, 2023

Motion by Council Member Brian Hanson, seconded by Council Member Jason Sampson, to waive the third and final reading of Ordinance No. 1043 (2022/2023).

AYES: Hanson, Mittman, Nealson, Sampson, Skaggs, Ehrig
NAYS: None
ABSENT: None

The Mayor Pro tem declared Ordinance No. 1043 (2022/2023) was passed on the 27th day of March, 2023.

I certify that the foregoing was published as Ordinance No. 1043 (2022/2023) on the 20th day of April 2023.



Kerin Wright, City Clerk

LOCALiQ

Ames Tribune

PO Box 631851 Cincinnati, OH 45263-1851

PROOF OF PUBLICATION

Erin Mousel
CITY CLERK'S OFFICE
City Of Nevada
1209 6Th ST

Nevada IA 50201-1536

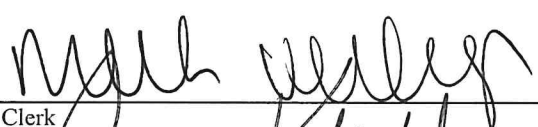
STATE OF WISCONSIN, COUNTY OF BROWN

The Nevada Journal, a weekly newspaper printed and published at Ames, Story County, Iowa, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspaper in the issues dated:

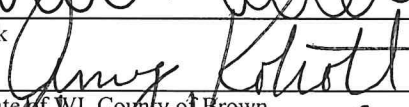
04/20/2023

and that the fees charged are legal.

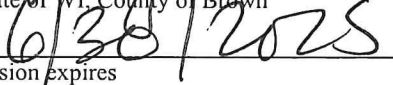
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Legal Clerk



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Published in the Nevada Journal on April 20, 2023 (1T)