

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
ORDINANCE 23-01**

AN ORDINANCE ESTABLISHING THE FRISCO ARTS AND CULTURE COUNCIL (“FACC”); PRESCRIBING THE POWERS AND DUTIES OF THE FACC AND THE QUALIFICATIONS OF THE MEMBERS THEREOF; PROVIDING THE METHOD FOR APPOINTMENT AND REMOVAL OF MEMBERS OF THE FACC, AND FOR THE FILLING OF VACANCIES ON THE FACC.

WHEREAS, by Resolution 23-05, the Town Council has adopted the Frisco Five-Year Arts and Culture Strategic Plan (the “Plan”), in order that the Town may take a positive and active role in art and cultural programs within the Frisco community; and

WHEREAS, the Plan advises the establishment of an arts and culture council to make recommendations to the Town and the Town Council for the purchase or commissioning of artwork and the establish of art and cultural programs; and

WHEREAS, the Town of Frisco Charter requires that any board or commission of the Town be established by an ordinance that prescribes, among other matters, its powers and duties, the qualifications of the members thereof, and the methods of making appointments to, filling vacancies in, and removing members therefrom; and

WHEREAS, the Plan encourages the citizens, businesses and the Town of Frisco to jointly promote the arts and cultural development and programs within the Town; and

WHEREAS, it is appropriate for the Town to take advantage of the many talents of people in the community who have valuable experience and expertise to contribute in assisting in the formulation of arts and cultural programs of the Town, through an arts and culture advisory council.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO, COLORADO:

Section 1. That a new Chapter 43 of the of Frisco Town Code is hereby adopted to read as follows:

CHAPTER 43

Frisco Arts and Culture Council

§ 43-1. Creation and Purpose.

- A. An advisory committee is hereby established by the Frisco Town Council, which shall be known as the Frisco Arts and Culture Council and which may be referred to from time to time as the “FACC” and which is referred to in this Chapter as the “Arts Council.”
- B. The purpose of the Arts Council is to be a liaison and advisor to the Town, the Town Council and the community as a whole relative to art and cultural programs and activities for the residents of Frisco and its visitors.

§ 43-2. Membership, Terms and Removal.

- A. There shall be seven (7) members of the Arts Council, each of whom shall be selected and appointed by the Town Council. The term of each member of the Arts Council shall be for three (3) years; provided, however, that the terms of each of the initial members of the Arts Council shall be staggered as follows in order to ensure that no more than three (3) members’ terms expire in any one year, and to ensure ample opportunity for diverse individuals to serve as a member of the Arts Council: three (3) members shall be appointed for a term of three (3) years, two (2) members shall be appointed to serve a term of two (2) years, and two (2) members shall be appointed to serve for one (1) year. Members may be appointed for consecutive terms, provided that no person shall serve on the Arts Council for more than nine (9) consecutive years. Upon serving nine (9) consecutive years, no former member of the Arts Council may be appointed to serve on the Arts Council again until at least 365 days have passed since the end of the member’s most recent term. Terms shall be considered “consecutive” unless they are separated 365 days or more.
- B. Any member of the Arts Council who fails to attend (3) consecutive regular meetings of the Arts Council or who misses one-half or more of the regular meetings in any twelve-month period shall be removed from the Arts Council unless the Town Council finds unusual circumstances justifying the absence. In the event a member resigns, Town Council shall fill the position. The newly appointed member will fill the remaining portion of the vacated term. An Arts Council member may also be removed as prescribed in Chapter 10, Section 10-4 of this Code.

§ 43-3. Qualifications.

- A. Five (5) members of the Arts Council shall be bona fide residents of the Town of Frisco or be bona fide owners or lessees of real property within the Town of Frisco or be owners of a business with a valid business license with the Town of Frisco, and if any such member ceases to reside in the Town or ceases to be an owner or lessee of real property within the Town or ceases to be the owner of a business having a valid business license within the Town, his or her membership shall immediately terminate. Two (2) members of the Arts

Council may be appointed without regard to their status as residents, owners or lessees of real property, or ownership of a business within the Town.

§ 43-4. Officers and Meeting Procedures.

- A. The Arts Council shall elect a chair, vice-chair, and secretary from among the appointed members and shall create and fill such other offices as it may determine. The term of each office shall be one (1) year, with eligibility for re-election. Officers shall be elected at the first regular meeting of the Arts Council, and at the first regular meeting of the Arts Council in each calendar year thereafter.
- B. The Arts Council shall hold a minimum of one (1) regular meeting each quarter and except in extraordinary circumstances, shall meet not more than once each month. Special meetings of the Arts Council shall be called at the written request of the chair, vice-chair, Town Manager or Town Council.
- C. Four (4) members of the Arts Council shall constitute a quorum for purposes of the transaction of the business of the Arts Council. A majority of the Arts Council members present at any meeting of the Arts Council shall decide any question brought before the Arts Council.
- D. The Arts Council shall adopt rules for the transaction of business and shall keep a record of its transactions, recommendations and determinations.

§ 43-5. Staff and Finances.

Town Council may appoint one (1) member of the Town Council to be a liaison member of the Arts Council in addition to the members provided for in Section 43-2 of this Chapter, and such liaison member shall be entitled to vote on matters coming before the Arts Council only in the event of a tie in the vote of the eligible voting Arts Council members present at any meeting of the Arts Council. Members of the Arts Council shall serve without compensation.

§ 43-6. Role of the Advisory Committee.

The Arts Council shall review, recommend and advise the Town staff and Town Council on matters regarding its area of responsibility. Except as expressly set forth below, all actions of the Arts Council shall be subject to ratification by the Town Council.

The Arts Council is authorized to make recommendations to the Town staff for the purchase or commissioning of artwork, and for the establishment of art or cultural programs and activities the cost of which has been approved in the annual budget of the Town, each in accordance with applicable purchase procedures set forth in this Chapter 9 of this Code.

In its advisory role to Town Council, the Arts Council may make recommendations to the Town Council for the purchase or commissioning of artwork, and for the establishment of art or

cultural programs and activities the cost of which has not been approved in the annual budget of the Town.

Section 2. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby.

Section 3. Effective Date. This ordinance shall take effect pursuant to the Home Rule Charter of the Town of Frisco, Colorado.

INTRODUCED, PASSED ON FIRST READING AND PUBLICATION AND POSTING ORDERED THIS 10th DAY OF JANUARY, 2023.

ADOPTED ON SECOND AND FINAL READING AND PUBLICATION BY TITLE ORDERED THIS 24th DAY OF JANUARY, 2004.

TOWN OF FRISCO, COLORADO

Hunter Mortensen, Mayor

Attest:

Stacey Nell, Town Clerk