

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Clerk/Parks and Recreation
4 Advisory Commission

5 **ORDINANCE 16-22**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 REPEALING AND REENACTING HOMER CITY CODE 2.60, PUBLIC
9 ARTS COMMITTEE; REPEALING HOMER CITY CODE 2.68, PARKS
10 AND RECREATION ADVISORY COMMISSION; AND AMENDING
11 HOMER CITY CODE 18.07.020, DEFINITIONS, HOMER CITY CODE
12 18.07.040, IMPLEMENTATION, HOMER CITY CODE 18.07.050,
13 SELECTION, HOMER CITY CODE 18.07.070, EXEMPTIONS, HOMER
14 CITY CODE 18.07.090, PUBLIC ART FUND, AND HOMER CITY CODE
15 18.07.100, OWNERSHIP AND MANAGEMENT OF WORKS OF
16 PUBLIC ART; TO CREATE THE CITY OF HOMER PARKS, ART,
17 RECREATION AND CULTURE ADVISORY COMMISSION, PRESCRIBE
18 ITS DUTIES, AND PROVIDE FOR THE TRANSITION FROM THE
19 FORMER PUBLIC ARTS COMMITTEE AND PARKS AND
20 RECREATION ADVISORY COMMISSION TO THE NEW PARKS, ART,
21 RECREATION AND CULTURE ADVISORY COMMISSION.
22

23 WHEREAS, The Public Arts Committee and the Parks and Recreation Advisory
24 Commission have similar responsibilities to advise the City Manager and City Council
25 regarding cultural, educational, entertainment and recreational activities and facilities to
26 enhance the health and wellness of the community; and
27

28 WHEREAS, The overlapping responsibilities of the Public Arts Committee and the
29 Parks and Recreation Advisory Commission result in duplicative demands on the City staff
30 and services that support each body; and
31

32 WHEREAS, The Parks and Recreation Advisory Commission and the Public Arts
33 Committee recommend creating a combined commission that will have all of the
34 responsibilities of each body; and
35

36 WHEREAS, There are many examples of Parks, Art, Recreation, and Culture
37 Commissions operating successfully across the United States and it would be beneficial to
38 the City for the responsibilities of the Public Arts Committee and the Parks and Recreation
39 Advisory Commission to be combined.
40

41 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
42

43 Section 1. The purpose of this ordinance is to create a new Parks, Art, Recreation, and
44 Culture Advisory Commission to replace and perform the duties of the existing Public Arts

Added language. Deleted language ~~stricken through.~~

45 Committee and Parks and Recreation Advisory Commission, and to provide for the transition
46 from the former Public Arts Committee and Parks and Recreation Advisory Commission to the
47 new Parks, Art, Recreation, and Culture Advisory Commission.

48

49 Section 2. Homer City Code Chapter 2.60 is repealed and reenacted to read as follows

50

51 2.60.010 Created – Membership.

52 a. There shall be a City of Homer Parks, Art, Recreation and Culture Advisory
53 Commission, hereinafter referred to as the Commission. The Commission will be composed
54 of nine voting members, who shall be appointed by the Mayor and confirmed by the City
55 Council, plus one non-voting member who shall be a Homer area high school student
56 selected by his or her student body. Up to three voting members of the Commission may be
57 nonresidents of the City, but City resident applicants shall be preferred for all Commission
58 member appointments.

59 b. A Chair and Vice-Chair of the Commission shall be elected annually from and by the
60 voting members of the Commission. The Chair shall preside at meetings of the Commission.
61 In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair.

62

63 2.60.020 Terms of members.

64 a. Voting members of the Commission are appointed for three-year terms.

65 b. The non-voting high school student member serving from Homer High School class
66 shall be appointed for a term that coincides with the school year.

67 c. A Commission member who is absent without excuse from two consecutive regular
68 meetings shall be subject to removal from the Commission by a majority vote of the members
69 present.

70

71 2.60.030 Proceedings of Commission.

72 The Commission shall hold one regular meeting in each of the months of February
73 through June and August through November on the day of the month that the Commission
74 shall select from time to time, and otherwise at the call of the Chair or a majority of the
75 Commission. A recording shall be made or minutes shall be kept of each meeting of the
76 Commission, showing the vote of each member upon every question. The recording or
77 minutes shall be filed in the office of the City Clerk and shall be a public record open to
78 inspection by any person.

79

80 2.60.040 Duties and responsibilities of Commission.

81 The Commission shall have the following duties and responsibilities:

82 a. Act in an advisory capacity to the City Manager and the City Council on matters
83 involving:

84

1. City parks.

85

2. Recreation facilities.

86

3. Public beaches and trails.

87

4. Support of the arts.

[Bold and underlined added. Deleted language stricken through.]

- 88 5. Acquisition, maintenance and disposition of works of art.
- 89 6. Land use and future development related to parks and recreation facilities.
- 90 7. The administration of the public arts fund established by HCC 18.07.090.

91 Any recommendation by the Commission regarding the matters described above shall be
92 directed to the City Council through the City Manager, except that the recommendation shall
93 be sent directly to the Council when the Commission so requests.

94 b. Perform the functions prescribed in HCC Chapter 18.07 related to funding works of
95 art in public spaces.

96 c. Further the development and awareness of the arts in the City.

97 d. Consider any specific proposal, problem or project as directed by the City Council
98 and report thereon directly to the Council or as the Council otherwise directs.

99 e. Solicit donations of money and property in support of its duties under this section.
100 Donations of money shall be deposited to the City treasury in a separate fund designated for
101 parks, art, recreation and culture purposes. Donations of property shall be accepted by deed
102 or other conveyance subject to the approval of the City Council, and shall be held or disposed
103 of for parks, art, recreation or cultural purposes as the Council may direct. The Commission
104 may make recommendations to the Council for the disposition of money or property so
105 received.

106
107 Section 3. Homer City Code Chapter 2.68 is repealed.

108
109 Section 4. Homer City Code 18.07.020, Definitions, is amended to read as follows:

110
111 18.07.020 Definitions.

112 The following words, terms and phrases, when used in this chapter, shall have the
113 meaning ascribed to them in this section, except where the context clearly indicates a
114 different meaning:

115 “Art” and “work of art” mean all forms of original creations of visual art, including but
116 not limited to the following:

- 117 1. Sculptures: in the round, bas relief, high relief, mobile, fountain, kinetic or
118 electronic, in any material or combination of materials.
- 119 2. Painting: all media, including portable and permanently affixed works, such
120 as murals.
- 121 3. Graphic arts: printmaking and drawing.
- 122 4. Mosaics.
- 123 5. Photography.
- 124 6. Crafts: in clay, fiber and textiles, wood, metal, plastics and other materials.
- 125 7. Calligraphy.
- 126 8. Mixed media: any combination of forms or media, including collage.

127 **“Commission” means the Parks, Art, Recreation and Culture Advisory**
128 **Commission.**

129 “Construction, remodeling or renovation of municipal buildings and facilities” means
130 any capital improvement projects paid for wholly or in part by the municipality to build,

[Bold and underlined added. Deleted language stricken through.]

131 rebuild or improve any decorative or commemorative structure, park or parking facility or
132 any building.

133 “Total cost of construction, remodeling or renovation” means the total allotted
134 funding for the subject project at the time of award of contract, exclusive of the costs of land
135 acquisition, site investigation, and environmental cleanup or remediation.

136
137 Section 5. Homer City Code 18.07.040, Implementation, is amended to read as
138 follows:

139
140 18.07.040 Implementation.

141 a. During the preliminary design review of any project for construction, remodeling or
142 renovation covered by this chapter any contractor, department or instrumentality of the
143 municipality charged with the design preparation of this project shall consult with the
144 **Commission** ~~Public Arts Committee~~ regarding the implementation of HCC 18.07.030(a).

145 b. The **Commission** ~~Public Arts Committee~~ may adopt, and from time to time amend,
146 regulations setting forth the manner in which the requirements of this chapter shall be
147 carried out, which shall be effective upon approval by City Council resolution.

148 c. The requirements of HCC 18.07.030(a) shall not be waived except as provided for in
149 HCC 18.07.070.

150
151 Section 6. Homer City Code 18.07.050, Selection, is amended to read as follows:

152
153 18.07.050 Selection.

154 a. Where works of art are to be incorporated in the construction, remodeling or
155 renovation of a City building or facility or its grounds, such works of art shall be selected and
156 recommended to the Council for approval by a jury consisting of the architect or project
157 designer, a representative of the user department, a representative of the **Commission** ~~Public~~
158 ~~Arts Committee~~ and such additional persons that the **Commission** ~~Public Arts Committee~~
159 may designate, subject to Council approval.

160 b. Where works of art are to be commissioned or acquired, but not incorporated in the
161 construction, remodeling or renovation of a City building or facility or its grounds, such works
162 of art shall be selected and recommended to the Council for approval by a jury of at least
163 three members consisting of a representative of the user department, one or more members
164 of the **Commission** ~~Public Arts Committee~~ and such additional persons that the **Commission**
165 ~~Public Arts Committee~~ may designate, subject to Council approval.

166
167 Section 7. Homer City Code 18.07.070, Exemptions, is amended to read as follows:

168
169 18.07.070 Exemptions.

170 The City Council may waive the requirements of this chapter in whole or in part as to
171 the construction, remodeling or renovation of a City building or facility upon a finding by the
172 **Commission** ~~Public Arts Committee~~ or City Manager that the inclusion of works of art in the
173 construction, remodeling or renovation as required by this chapter would not provide any

Deleted language stricken through.

174 aesthetic benefit to the community or to the principal users of the building or facility.

175

176 Section 8. Homer City Code 18.07.090, Public art fund, is amended to read as follows:

177

178 18.07.090 Public art fund.

179 a. A public art fund is established as a separate, interest bearing account in the City
180 general fund to receive money for the public art program from the following sources:

181 1. Funds for public art fees received from private development.

182 2. Funds donated to the City for public art.

183 3. Other funds appropriated by the Council for public art.

184 b. Money in the public art fund shall be used solely to pay the costs of selecting,
185 commissioning, acquiring, installing, maintaining, public education regarding,
186 administrating, removing and insuring the works of public art, and any other expense related
187 thereto.

188 c. Interest earned on money in the public art fund shall be deposited in the public art
189 fund.

190 d. The public art fund is administered by the City with the advice of the **Commission**
191 ~~Public Arts Committee~~.

192 e. The **Commission** ~~Public Arts Committee~~ annually shall prepare a plan for
193 expenditures from the public art fund for approval by the City Council.

194

195 Section 9. Homer City Code 18.07.100, Ownership and management of works of public
196 art, is amended to read as follows:

197

198 18.07.100 Ownership and management of works of public art.

199 a. Ownership of all works of art acquired by or on behalf the City shall be vested in the
200 City.

201 b. The City shall place or construct public art at locations that are open to the public
202 and where the public art shall be visible to the general public during, at a minimum, normal
203 business hours.

204 c. The removal from display by the City of public art owned by the City shall follow
205 established guidelines for de-accessioning and shall be subject to review and
206 recommendation by the **Commission** ~~Public Arts Committee~~ with final approval by the
207 Council.

208

209 Section 10. Each person who is a member of the Parks and Recreation Advisory
210 Commission immediately preceding the effective date of this ordinance shall become a
211 member of the Parks, Art, Recreation and Culture Advisory Commission on the effective date
212 of this ordinance, to serve for the remainder of the term for which the person was appointed
213 to the Parks and Recreation Advisory Commission. Immediately following the effective date
214 of this ordinance, the Mayor shall appoint, subject to confirmation by the City Council,
215 additional voting members of the Parks, Art, Recreation and Culture Advisory Commission as
216 required to fill any vacancy on that Commission. The persons so appointed shall serve for

Added language ~~Deleted language stricken through.~~

217 terms designated by the Mayor so that the terms of three voting Commission members expire
218 every year.

219
220 Section 11. Sections 2 through 9 of this ordinance are of a permanent and general
221 character and shall be included in the City code. Sections 1 and 10 of this ordinance shall not
222 be codified.

223
224 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this _____ day of
225 _____ 2016.

226
227 CITY OF HOMER

228
229
230 _____
231 MARY E. WYTHE, MAYOR

232 ATTEST:
233
234
235 _____
236 JO JOHNSON, MMC, CITY CLERK

237
238
239
240 AYES:
241 NOES:
242 ABSTAIN:
243 ABSENT:

244
245
246
247 First Reading:
248 Public Reading:
249 Second Reading:
250 Effective Date:

251
252
253
254 Reviewed and approved as to form:

255
256 _____
257 Mary K. Koester, City Manager
258 _____
259 Holly Wells, City Attorney

259 Date: _____ Date: _____

[Bold and underlined added. Deleted language stricken through.]