



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: July 21, 2020

AGENDA TITLE

Second reading and consideration of a motion to adopt Ordinance 8405 submitting to the registered electors of the City of Boulder at the Municipal Coordinated Election to be held on Tuesday, November 3, 2020, the question of adding new Sections 135 and 136 to the Boulder City Charter increasing the number of members of the Boulder Arts Commission to seven and providing for appointment, terms of office and addressing vacancies; setting forth the ballot title, specifying the form of the ballot and other election procedures; and setting forth related details.

PRESENTERS

Jane S. Brautigam, City Manager
Thomas A. Carr, City Attorney
David Farnan, Library/Arts Director

EXECUTIVE SUMMARY

Over the last few years, the city council has increased arts funding substantially. The Boulder Arts Commission is charged with the duty of funding arts in the community in a fair and equitable manner while encouraging and supporting a diverse arts community. This work requires a substantial time commitment from arts commission members, who work as unpaid volunteers. In its 2020 message to the city council, the Arts Commission asked council to consider increasing the size of the commission from five members to seven members to better distribute the increased workload. Section 130 of the Boulder Charter limits the size of boards and commissions to five members. The proposed ordinance would increase the size of the Arts Commission to seven members.

STAFF RECOMMENDATION

Suggested Motion Language

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to adopt Ordinance 8405 submitting to the registered electors of the City of Boulder at the Municipal Coordinated Election to be held on Tuesday, November 3, 2020, the question of adding new Sections 135 and 136 to the Boulder City Charter increasing the number of members of the Boulder Arts Commission to seven and providing for appointment, terms of office and addressing vacancies; setting forth the ballot title, specifying the form of the ballot and other election procedures; and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – Arts are an important part of the city’s economy. Effective, efficient and fair distribution of funding will help to support this portion of the city’s economy.
- Environmental – None identified.
- Social – Arts provide incalculable benefits to society.

OTHER IMPACTS

- Fiscal – None identified.
- Staff time – There may be a marginal increase in staff time required to support the Arts Commission.

ATTACHMENT

A – Proposed Ordinance 8405

ORDINANCE 8405

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, THE QUESTION OF ADDING NEW SECTIONS 135 AND 136 TO THE BOULDER CITY CHARTER INCREASING THE NUMBER OF MEMBERS OF THE BOULDER ARTS COMMISSION TO SEVEN AND PROVIDING FOR APPOINTMENT, TERMS OF OFFICE AND ADDRESSING VACANCIES; SETTING FORTH THE BALLOT TITLE, SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. A municipal coordinated election will be held in the City of Boulder, County of Boulder and State of Colorado, on Tuesday, November 3, 2020.

Section 2. At that election, a question shall be submitted to the electors of the City of Boulder that will allow voters to consider the addition of Sections 135 and 136 to the City Charter increasing the number of members of the Arts Commission to seven and provide for appointment, terms of office and address vacancies.

Section 3. A new Section 135 shall be added to read as follows:

Sec. 135. - The Boulder Arts Commission.

There shall be a Boulder Arts Commission consisting of seven members appointed by the city council. The members of the board shall be qualified to serve on an advisory commission pursuant to Section 130, shall not hold any other office in the city, and shall serve without pay. The council may appoint such ex-officio members to the board for such terms as it deems advisable.

Section 4. A new Section 136 shall be added to read as follows:

Sec. 136. - Term of Office of Board Members-Removal-Vacancies.

The Boulder Arts Commission shall be a continuation of the existing Boulder Arts Commission previously created by ordinance. All existing members are appointed to continue their existing terms. In March 2021, in addition to any appointments to fill vacancies or expired terms, the council shall appoint two additional members. One new member shall be appointed to a five-year term and one new member shall be appointed to a three-year term. The council may remove any board member who displays lack of interest or who fails to attend board meetings for three consecutive months without formal leave of absence. The council shall fill all vacancies.

Section 5. The official ballot shall contain the following ballot title, which shall also be the designation and submission clause for the measure:

Ballot Question No. ____

Charter Amendment Related to the Boulder Arts Commission

Shall new Sections 135 and 136 be added to the City Charter pursuant to Ordinance 8405 to increase the size of the Boulder Arts Commission to seven members, allow for continued service by existing Arts Commission members, provide for staggered terms for the new members and for filling of vacancies?

For the Measure ____

Against the Measure ____

Section 6. The election shall be conducted under the provisions of the Colorado Constitution, the Charter and ordinances of the city, the Boulder Revised Code, 1981, and this ordinance.

Section 7. The officers of the city are authorized to take all action necessary or appropriate to effectuate the provisions of this ordinance and to contract with the county clerk to conduct the election for the city.

Section 8. If this ballot measure is approved by the voters, the Charter shall be so amended, and the city council may adopt any necessary amendments to the Boulder Revised Code to implement this change.

Section 9. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.

Section 10. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 11. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
TITLE ONLY, this 16th day of June 2020.

Sam Weaver,
Mayor

Attest:

Pam Davis,
Acting City Clerk

1 READ ON SECOND READING, ADOPTED AND PASSED, this 21st day of July
2 2020.

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4 _____
5 Sam Weaver,
6 Mayor

7 Attest:

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9 _____
10 Pam Davis,
11 Acting City Clerk
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