ORDINANCE NO. 2015-22

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, AMENDING QUALIFICATIONS FOR MEMBERS WHO SERVE ON CERTAIN BOARDS AND COMMISSIONS, AND CONSOLIDATIING AND HARMONIZING COMMISSION DUTIES, BY AMENDING TITLE II, *BOARDS AND COMMISSIONS,* BY AMENDING CHAPTER 2-03, *PARKS AND RECREATION COMMISSION,* CHAPTER 2-13, *TOURISM COMMISSION*; CHAPTER 2-14, *BEAUTIFICATION AND PUBLIC ART COMMISSION*; CHAPTER 2-19, *HERITAGE PRESERVATION COMMISSION*; CHAPTER 2-20, *OPEN SPACES COMMISSION*; AND AMENDING TITLE III, *BUSINESS REGULATIONS*, BY AMENDING CHAPTER 3-06, *HOSPITALITY INDUSTRY TAX REVENUES*, AND INCLUDING A CLERICAL CORRECTION TO CONFORM WITH THE CURRENT TAX RATE; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AND EFFECTIVE DATES

RECITALS:

WHEREAS, the Flagstaff City Council seeks to eliminate requirements for specialty representatives on certain commissions of the City; and

WHEREAS, the Flagstaff City Council also desires to clarify the City Code by consolidating and harmonizing provisions found in Title III, *Business Regulations*, with Title II, *Boards and Commissions*.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA that the Flagstaff City Code is hereby amended as follows:

SECTION 1. In General.

Title II, Boards and Commissions, Chapter 2-03, ***Parks and Recreation Commission***, is amended by amending Section 2-03-001-0004 to read as follows (additions are shown as capitalized text, and deletions are shown as stricken):

2-03-001-0004 POWERS AND DUTIES:

A. The duties of the Commission shall be to advise the Council, through periodic written reports to the Council, recommending policy direction on City lands, structures and facilities that are set aside or should be set aside or dedicated to recreational purposes, including but not limited to parks, swimming pools, playgrounds, playing and sports fields and golf courses. The scope of the activities of the Commission shall also include but not be limited to advising and recommending policy direction in activities involving recreational and cultural pursuits of the elderly and the young and to otherwise employ in constructive and wholesome manner and leisure time of the citizens.

B. The City Council may consider the advice and recommendation of the Commission and thereafter give direction through the City Manager to implement the recreational program as they see fit.

C. The Commission shall review and make recommendation on the annual budget of the Parks Section and Recreation Section prior to the submittal thereof to the City Manager.

D. WITH RESPECT TO THE PARKS AND RECREATION PORTION OF THE BED, BOARD AND BOOZE TAX ALLOCATED UNDER CHAPTER 3-06, *HOSPITALITY INDUSTRY REVENUES*, THE COMMISSION SHALL MAKE RECOMMENDATIONS TO THE COUNCIL CONCERNING THE ANNUAL BUDGETARY ALLOCATION OF THE PARKS AND RECREATION PORTION OF THIS TAX, TO INCLUDE BUT NOT BE LIMITED TO:

1. DEVELOPING PARKS AND RECREATION FACILITIES, AND PROGRAMS AS NEEDED TO BENEFIT THE COMMUNITY AND ITS VISITORS.

2. FUNDING FOR THE FLAGSTAFF URBAN TRAILS SYSTEM DEVELOPMENT AND MAINTENANCE.

3. DEVELOPING, ACQUIRING AND DISTRIBUTING MATERIAL TO PROMOTE PARKS AND RECREATION.

4. RETAINING OF APPROPRIATE STAFF TO IMPLEMENT APPROVED PROGRAMS.

E. FOR PURPOSES OF SUBSECTION D, "PARKS AND RECREATION" MEANS THE DEVELOPMENT AND MANAGEMENT OF PUBLIC PARKS, RECREATIONAL FACILITIES, AND PROGRAMS WHICH ARE AVAILABLE TO THE RESIDENTS AND VISITORS INCLUDING FUNDING THE FLAGSTAFF URBAN TRAIL SYSTEM. (SAME MEANING AS SET FORTH IN SECTION 3-06-001-0001.)

Title II, *Boards and Commissions,* Chapter 2-13, ***Tourism Commission,*** is amended by amending Sections 2-13-001-0002, 2-13-001-0002 and 2-13-001-0006 to read as follows (additions are shown as capitalized text, and deletions are shown as stricken):

2-13-001-0001 CREATION OF THE COMMISSION:

There is hereby established a City Tourism Commission. There shall be seven (7) voting members of said Commission who shall meet as hereinafter provided to consider and recommend programs for the expenditure of the TOURISM portion of the Bed, Board and Booze Tax ALLOCATED under CHAPTER 3-06, *HOSPITALITY INDUSTRY REVENUES.* ~~as designated by Ordinance No. 1532~~.

“TOURISM” MEANS THE GUIDANCE, MANAGEMENT, MARKETING, ACCOMMODATION, PROMOTION AND ENCOURAGEMENT OF TOURISTS (SAME MEANING AS SET FORTH IN SECTION 3-06-001-0001).

2-13-001-0002 COMPOSITION AND TERM OF OFFICE:

The composition of the membership shall consist of:

A. ~~Four (4)~~ SEVEN (7) members to be appointed by the City Council. Each member shall ~~be from the hospitality industry and~~ serve for three (3) years, on a staggered term basis.

~~B. Three (3) additional members to be appointed by the City Council, to serve for three (3) years, on a staggered term basis.~~

B.~~C.~~ The City Manager or the Manager's designee shall be an ex officio member of the Commission. The member shall have no voting privileges.

The City Manager shall be responsible for staff support of the Tourism Commission.

The Council shall fill vacancies for the unexpired term of any of the members of the Commission.

A member's term in office shall commence with the first regular Commission meeting following the appointment and terminate with the regular Commission meeting at which the successor takes office. No voting member of the Commission may be appointed to more than two (2) consecutive full terms.

2-13-001-0006 DUTIES:

The duties of the Commission shall be to:

A. Prepare a Five (5) Year Master Plan. The Fire Year Plan shall be used as a guideline for future programs. Said Plan shall be presented to the Council prior to April 1 of each year.

B. Develop and present to City council an Annual Plan outlining the Commission's program recommendations for the upcoming fiscal year. Said plan shall be presented to the Council prior to April 1 of each year.

C. Make recommendations to the City Council concerning the annual budgetary allocation of the tourism portion of the Bed, Board and Booze Tax ~~as outlined in Ordinance No. 1532, Section 4.A.3.b.(1)-(7)~~ TO INCLUDE, BUT NOT BE LIMITED TO:

1. PROVIDING FUNDING TO THE QUALIFIED, ESTABLISHED PUBLIC OR PRIVATE AGENCY TO ADMINISTER, ON A CONTRACT BASIS, TOURISM PROGRAMS AS REQUIRED.

2. DEVELOPING AND IMPLEMENTING A MARKETING PLAN. MAJOR ELEMENTS OF THE MARKETING PLAN WILL INCLUDE, BUT NOT BE LIMITED TO, DEVELOPING A SPECIFIC IMAGE FOR FLAGSTAFF, IDENTIFYING TARGET MARKET SEGMENTS, IMPLEMENTING A PROMOTIONAL PLAN DIRECTED TO TARGET MARKET SEGMENTS.

3. ESTABLISHING VISITOR INFORMATION CENTER(S) TO INCLUDE, BUT NOT BE LIMITED TO, A HIGH PROFILE LOCATION, EASY VISITOR ACCESS, ADEQUATE STAFFING, A TOLL-FREE TELEPHONE NUMBER FOR VISITOR INFORMATION, AND DEVELOP OTHER FACILITIES AS NEEDED TO BENEFIT VISITORS AND THE COMMUNITY.

4. ESTABLISHING AN EDUCATIONAL PROGRAM TO INCLUDE, BUT NOT BE LIMITED TO, SCHOLARSHIPS FOR HOSPITALITY EDUCATION AT NORTHERN ARIZONA UNIVERSITY.

5. PROMOTING ACTIVITIES THAT ENHANCE THE COMMUNITY'S IMAGE AND THE OVERALL QUALITY OF LIFE.

6. RETAINING OF APPROPRIATE STAFF TO IMPLEMENT APPROVED PROGRAMS.

D. Perform any additional duties as determined by the City Council related to tourism activities.

Title II, *Boards and Commissions,* Chapter 2-14, ***Beautification and Public Art Commission***, is amended by amending Sections 2-14-001-0001, 2-14-001-0002 and 2-14-001-0006 as follows (additions are shown as capitalized text, and deletions are shown as stricken):

2-14-001-0001 CREATION OF COMMISSION:

There is hereby established a City Beautification and Public Art Commission. There shall be seven (7) voting members of said Commission who shall meet as hereinafter provided to consider and recommend programs for the expenditure of the BEAUTIFICATION AND ARTS AND SCIENCES portions of the Bed, Board and Booze Tax ALLOCATED UNDER CHAPTER 3-06, *HOSPITALITY INDUSTRY REVENUES*. ~~as designated by Section 3-06-001-0003~~.

"ARTS AND SCIENCES" MEANS SUPPORT FOR FLAGSTAFF ARTS, SCIENTIFIC AND CULTURAL ACTIVITIES, EVENTS AND ORGANIZATIONS TO PROVIDE DIRECT AND INDIRECT CITIZEN PARTICIPATION AND ENHANCEMENT OF THE OVERALL QUALITY OF LIFE AND COMMUNITY IMAGE INCLUDING SUPPORT OF PUBLIC ART. (SAME MEANING AS SET FORTH IN SECTION 3-06-001-0001).

"BEAUTIFICATION" MEANS ANY MODIFICATION OF THE URBAN PHYSICAL ENVIRONMENT TO INCREASE PLEASURE TO THE SENSES OR PLEASURABLY EXALT THE MIND OR SPIRIT OR STRENGTHEN THE URBAN DESIGN FRAMEWORK OF THE CITY (SAME MEANING AS SET FORTH IN SECTION 3-06-001-0001).

2-14-001-0002 COMPOSITION AND TERM OF OFFICE:

The composition of the membership shall consist of~~:~~

~~A. One (1) member to be from the hospitality industry, appointed by the City Council. Said member shall serve a three (3) year term.~~

~~B. One (1) voting member from the arts community, including but not limited to artists, craftsmen, gallery owners, arts educator, art historian, art curator, art administrator.~~

~~C. One (1) voting member who is a design professional, including, but not limited to, architect, landscape architect, urban planner, or graphic designer.~~

~~D. Four (4) additional~~ SEVEN (7) members appointed by the City Council.

Each member shall serve three (3) year terms, on a staggered basis. A member's term in office shall commence with the first regular Commission meeting following the appointment and terminate with the regular Commission meeting at which the successor takes office. No voting member of the Commission may be appointed to more than two (2) full consecutive terms.

2-14-001-0006 DUTIES:

The duties of the Commission shall be to:

A. The Commission shall be responsible for preparing a Five (5) Year Plan. The Five Year Plan shall be used as a guideline for future programs. Said Plan shall be presented to the Council prior to April 1 of each year.

B. Develop and present to City Council an Annual Plan outlining the Commission's program recommendations for the upcoming fiscal year. Said plan shall be presented to the Council prior to April 1 of each year.

C. Make recommendations to the City Council concerning the annual budgetary allocation of the beautification and public art portions of the Bed, Board and Booze Tax and other monies as deemed appropriate by the City Council, ~~as outlined in City Code, Section 3-06-001-0004,~~ to include, but not be limited to:

1. Purchase, installation or modification of landscaping and irrigation systems;

2. Purchase, removal or modification of billboards and nonconforming signs;

3. Beautification of buildings and facilities, streetscapes and gateways;

4. Purchase and installation of public art projects;

5. Purchase or lease of easements or property necessary for beautification projects.

D. Make recommendations to the City Council for public art projects by:

1. Reviewing and defining potential public art projects and writing project descriptions.

2. Determining the artist selection method and writing the call to artists for public art projects.

3. Evaluating public art proposals for recommendation to the City Council.

4. Facilitating display of local art in public facilities.

E. WITH RESPECT TO THE ARTS AND SCIENCE PORTION OF THE BED, BOARD AND BOOZE TAX ALLOCATED UNDER CHAPTER 3-06, *HOSPITALITY INDUSTRY REVENUES,* THE COMMISSION SHALL MAKE RECOMMENDATIONS TO THE COUNCIL CONCERNING THE ANNUAL BUDGETARY ALLOCATION OF THE ARTS AND SCIENCE PORTION OF THIS TAX, TO INCLUDE BUT NOT BE LIMITED TO:

1. DEVELOPING AND SUPPORTING THE FLAGSTAFF ARTS, SCIENTIFIC AND CULTURAL ACTIVITIES, EVENTS AND ORGANIZATIONS TO PROVIDE DIRECT AND INDIRECT CITIZEN PARTICIPATION, AND OPPORTUNITIES FOR ENHANCEMENT OF THE OVERALL QUALITY OF LIFE AND COMMUNITY IMAGE.

2. DEVELOPING, ACQUIRING AND DISTRIBUTING MATERIAL TO PROMOTE ARTS AND SCIENCE.

3. DEVELOPING FINANCIAL ASSISTANCE PROGRAMS TO STIMULATE ARTISTIC AND SCIENTIFIC ACTIVITIES IN FLAGSTAFF.

4. RETAINING OF APPROPRIATE STAFF TO IMPLEMENT APPROVED PROGRAMS.

~~E~~F. Perform those additional duties as determined by the City Council, related to THE ~~b~~Beautification and ~~p~~Public ~~a~~Art COMMISSION ~~activities~~.

Title II, *Boards and Commissions,* Chapter 2-19, ***Heritage Preservation Commission*****,** is amended by amending Section 2-19-001-0002 as follows (deletions are shown as stricken):

2-19-001-0002 MEMBERSHIP

~~A.~~ The membership of the commission shall consist of seven (7) voting members. Additional members may be appointed in the future, if and when additional Historic Design Review Districts beyond the first district are created, to represent those additional districts and help develop and adopt design guidelines for those districts.

~~1. At least two (2) members must be professionals in the areas of architecture, history, architectural history, planning, or archaeology.~~

~~2. At least two (2) members shall be owners of locally designated historic properties or properties listed on the National Register of Historic Places.~~

~~3. At least three (3) members shall be from the general community.~~

~~4. Any member may satisfy more than one (1) of the above qualifications and any "professional" category may be filled by a person who is retired from that profession.~~

~~B. Appointed members shall have a demonstrated interest in the history of the community and be committed to represent not only their specific areas of expertise, but also the community at large~~.

Title II, *Boards and Commissions,* Chapter 2-20, ***Open Spaces Commission*****,** is amended by amending Section 2-20-001-0001 as follows (additions are shown as capitalized text, and deletions are shown as stricken):

2-20-001-0001 CREATION OF THE COMMISSION:

There is hereby created an advisory body to be called the "Open Spaces Commission" ("Commission") consisting of the following seven (7) regular members all of whom shall be appointed by the City Council, except for designee from the Planning and Zoning Commission: ~~four (4) members from the natural and cultural sciences;~~ one (1) member from the Planning and Zoning Commission; ~~one (1) member who markets real estate or is a representative from real estate development;~~ and ~~one (1)~~ SIX (6) public at-large memberS. All Commission members shall be voting members. A Chairperson shall be selected by a majority vote of those members at a meeting called for that purpose.

Title III, *Business Regulations,* Chapter 3-06, ***Hospitality Industry Tax Revenues****,* is amended by amending Sections 3-06-001-0001, 3-06-001-0002, and 3-06-001-0003 as follows (additions are shown as capitalized text, deletions are shown as stricken):

3-06-001-0001 DEFINITIONS

"Arts and sciences" means support for Flagstaff arts, scientific and cultural activities, events and organizations to provide direct and indirect citizen participation and enhancement of the overall quality of life and community image including support of public art.

"Beautification" means any modification of the urban physical environment to increase pleasure to the senses or pleasurably exalt the mind or spirit or strengthen the urban design framework of the City.

"Economic development" means the encouragement, promotion and assistance of the expansion of economic activity for the purposes of expanding revenue and providing jobs to the community.

"Hospitality industry" means those establishments engaged in business as bar/lounge, restaurant or hotel/motel/campground.

"Hospitality industry tax revenues" means a share of the local transaction privilege tax revenues collected and received pursuant to the City tax code, Sections 3-05-004-0444, Hotels, and 3-05-004-0455, Restaurants and bars, which share is equivalent to two (2) divided by ~~three and seven hundred twenty-one thousandths (3.721) or approximately~~

~~fifty-three and seven hundred forty-nine thousandths percent (53.749%)~~ FOUR AND FIFTY-ONE THOUSANDTHS (4.051) OR APPROXIMATELY FORTY-NINE AND THREE HUNDRED SEVENTY ONE THOUSANDTHS PERCENT (49.371%) of all such revenues.

OPTION proposed by Mayor/Staff:

"Hospitality industry tax revenues" means THE REVENUES COLLECTED FROM THE TWO PERCENT (2%) LOCAL TRANSACTION PRIVILEGE TAX IMPOSED ON THE LODGING, RESTAURANT AND LOUNGE BUSINESSES BY ORDINANCE NO. 1532, AS EXTENDED THROUGH MARCH 31, 2018, BY APPROVAL OF A MAJORITY OF THE QUALIFIED ELECTORS VOTING IN THE CITY GENERAL ELECTION HELD ON MAY 18, 2010. THIS TAX IS REFERRED TO AS THE “BED, BOARD, AND BOOZE TAX” OR “BBB TAX” AND IS PART OF THE TOTAL TAX RATE IMPOSED ~~a share of the local transaction privilege tax revenues collected and received~~ pursuant to the City tax code, Sections 3-05-004-0444, Hotels, and 3-05-004-0455, Restaurants and bars. ~~which share is equivalent to two (2) divided by three and seven hundred twenty-one thousandths (3.721) or approximately fifty-three and seven hundred forty-nine thousandths percent (53.749%) of all such revenues~~

"Parks and recreation" means the development and management of public parks, recreational facilities, and programs which are available to the residents and visitors including funding the Flagstaff urban trail system.

"Tourism" means the guidance, management, marketing, accommodation, promotion and encouragement of tourists.

"Tourists/visitors" means individuals or groups which visit Flagstaff and surrounding areas for business, recreational, educational, scientific or cultural purposes.

3-06-001-0002 DISTRIBUTION OF HOSPITALITY INDUSTRY TAX REVENUES

There shall be a separate accounting for all hospitality industry tax revenues collected. Said funds shall be distributed and expended consistent with City ordinances, the City Charter and State law. The funds collected shall be allocated as follows:

A. Thirty percent (30%) for tourism in conformance with CHAPTER 2-13, *TOURISM COMMSSION* ~~Section 3-06-001-0003(A).~~

B. Twenty percent (20%) for beautification in conformance with CHAPTER 2-14, *BEAUTIFICATION AND PUBLIC ART COMMISSION* ~~Section 3-06-001-0003(B)~~.

C. Nine and one-half percent (9.5%) for economic development in conformance with Section 3-06-001-0003(C).

D. Thirty-three percent (33%) for parks and recreation, in conformance with CHAPTER 2-03, *PARKS AND RECREATION COMMISSION* ~~Section 3-06-001-0003(D)~~.

E. Seven and one-half percent (7.5%) for arts and science in conformance with CHAPTER 2-14, *BEAUTIFICATION AND PUBLIC ART COMMISSION* ~~Section 3-06-001-0003(E)~~.

3-06-001-0003 FINANCIAL CONTROL

A. Tourism. Those funds designated for tourism shall be administered PURSUANT TO CHAPTER 2-13, *TOURISM COMMISSION,* OF THE CITY CODE~~, as follows:~~

~~1. The City Council shall appoint a Tourism Commission composed of nine (9) members, five (5) of whom shall be from the hospitality industry. Recommendations for members will be made by the Flagstaff tourism industry; or~~

~~2. The City Council shall designate an appropriate public or private agency to form a Tourism Committee. Said Committee shall be composed of one City Council person and additional members as required, the majority of whom will be from the hospitality industry. (Ord. No. 2006-14, amended, 05/16/2006)~~

~~3. This public or private agency, or Commission, shall review the expenditure of the portion of this tax to be applied to tourist related activities and projects and:~~

~~a. Develop and transmit to the Council an annual master plan outlining the Commission's or public or private agency's program recommendations for the upcoming year.~~

~~b. Make recommendations to the Council concerning the annual budgetary allocation of the tourism portion of this tax to include, but not be limited to:~~

~~(1) Providing funding to the qualified, established public or private agency to administer, on a contract basis, tourism programs as required.~~

~~(2) Developing and implementing a marketing plan. Major elements of the marketing plan will include, but not be limited to, developing a specific image for Flagstaff, identifying target market segments, implementing a promotional plan directed to target market segments.~~

~~(3) Establishing visitor information center(s) to include, but not be limited to, a high profile location, easy visitor access, adequate staffing, a toll-free telephone number for visitor information, and develop other facilities as needed to benefit visitors and the community.~~

~~(4) Establishing an educational program to include, but not be limited to, scholarships for hospitality education at Northern Arizona University.~~

~~(5) Promoting activities that enhance the community's image and the overall quality of life.~~

~~(6) Retaining of appropriate staff to implement approved programs.~~

~~c. Perform those additional duties determined by the Council as set forth by ordinance.~~

B. Beautification. Those funds designated for beautification and public art shall be administered PURSUANT TO CHAPTER 2-14, *BEAUTIFICATION AND PUBLIC ART COMMISSION,* OF THE CITY CODE ~~as follows:~~

~~1. The City Council shall appoint a Beautification and Public Art Commission composed of nine (9) members to review the expenditure of the portion of this tax to be applied to beautification activities and projects. Funds for the public art program shall be derived from an allocation of the arts and sciences portion of this tax as set out in Section 3-06-001-0003(E) and from other monies as the City Council may consider appropriate.~~

~~2. The Beautification and Public Art Commission shall:~~

~~a. Make recommendations concerning the allocation of this tax.~~

~~b. Make recommendations to the Council concerning the annual budgetary allocation of the beautification and public art portions of this tax and other monies as deemed appropriate, to include but not be limited to:~~

~~(1) Purchase, installation or modification of landscaping and irrigation systems.~~

~~(2) Purchase, removal or modification of billboards and nonconforming signs.~~

~~(3) Beautification of buildings and facilities, streetscapes and gateways.~~

~~(4) Development and support of the City's public art program.~~

~~(5) Purchase or lease of easements or property necessary for beautification projects.~~

~~3. Perform those additional duties determined by the Council as set forth by ordinance.~~

C. Economic Development. Those funds designated for economic development shall be administered as follows:

The City Council shall:

1. Appoint or act as an Economic Development Commission;

2. Designate an appropriate public or private economic development agency. Said agency shall be composed of at least two City Council persons and additional members as required;

3. This public or private agency shall:

   a. Develop and transmit to the Council an annual master plan outlining the Commission's or public or private agency's program recommendations for the upcoming year. Said plan shall be presented to the Council prior to April 1st of each year.

   b. Make recommendations to the Council concerning the annual budgetary allocation of the economic development portion of this tax, to include but not be limited to:

      (1) Developing, acquiring and distributing advertising material to promote economic development.

      (2) Providing financial assistance programs to stimulate relocation and retention of industrial prospects to Flagstaff.

      (3) Retaining of appropriate staff to implement approved programs.

      (4) Perform those additional duties determined by the Council as set forth by ordinance.

D. Parks and Recreation. Those funds designated for parks and recreation shall be administered PURSUANT TO CHAPTER 2-03, *PARKS AND RECREATION COMMISSION,* OF THE CITY CODE. ~~as follows:~~

~~The City Council shall:~~

~~1. Appoint a Parks and Recreation Commission which shall:~~

~~a. Review the expenditure of the portion of this tax to be applied to parks and recreation related activities and projects.~~

~~b. Develop and transmit to the Council an annual operating plan outlining the Commission's program recommendations for the upcoming year.~~

~~c. Make recommendations to the Council concerning the annual budgetary allocation of the parks and recreation portion of this tax, to include but not be limited to:~~

~~(1) Developing parks and recreation facilities, and programs as needed to benefit the community and its visitors.~~

~~(2) Funding for the Flagstaff urban trails system development and maintenance.~~

~~(3) Developing, acquiring and distributing material to promote parks and recreation.~~

~~(4) Retaining of appropriate staff to implement approved programs.~~

~~d. Perform those additional duties determined by the Council as set forth by ordinance.~~

E. Arts and Science. Those funds designated for arts and science, INCLUDING AN ANNUAL AMOUNT ALLOCATED BY THE CITY COUNCIL FOR THE SUPPORT AND DEVELOPMENT OF THE CITY'S PUBLIC ART PROGRAM, shall be administered PURSUANT TO CHAPTER 2-14, *BEAUTIFICATION AND PUBLIC ART COMMISSION,* OF THE CITY CODE. ~~as follows:~~

~~The City Council shall:~~

~~1. Allocate an annual amount for the support and development of the City's public art program to be administered by the Beautification Commission as provided in subsection (B) of this section~~.

~~2. Designate an appropriate public or private arts and science agency or board.~~

~~3. This public or private agency or board shall:~~

~~a. Review the expenditure of the portion of this tax to be applied to arts and science related activities and projects;~~

~~b. Develop and transmit to the Council an annual plan outlining program recommendations for the upcoming year in conjunction with the City's annual budgetary process;~~

~~c. Make recommendations to the Council concerning the annual budgetary allocation of the arts and science portion of this tax, to include but not be limited to:~~

~~(1) Developing and supporting the Flagstaff arts, scientific and cultural activities, events and organizations to provide direct and indirect citizen participation, and opportunities for enhancement of the overall quality of life and community image.~~

~~(2) Developing, acquiring and distributing material to promote arts and science.~~

~~(3) Developing financial assistance programs to stimulate artistic and scientific activities in Flagstaff.~~

~~(4) Retaining of appropriate staff to implement approved programs; and~~

~~d. Perform those additional duties determined by the Council as set forth by ordinance.~~

SECTION 2. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

SECTION 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4. Effective Dates.

This ordinance shall become effective thirty (30) days following adoption by the City Council. The tax rate correction set forth in SECTION 5, City Code Section 3-06-001-0001 is a clerical correction effective as of January 1, 2014.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 5th day of January, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY