

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ASHLAND MUNICIPAL CODE ADDING A NEW CHAPTER 2.10, PROVIDING FOR UNIFORM POLICIES AND OPERATING PROCEDURES FOR ADVISORY COMMISSIONS AND BOARDS; ADDING A NEW CHAPTER 2.11 MUNICIPAL AUDIT COMMISSION; A NEW CHAPTER 2.19 HOUSING COMMISSION, A NEW CHAPTER 2.15 FOREST LANDS COMMISSION, **A NEW CHAPTER 2.22 BUILDING BOARD OF APPEALS** AND AMENDING AMC 2.12 PLANNING COMMISSION, AMC 2.13 TRANSPORTATION COMMISSION, AMC 2.17, PUBLIC ARTS COMMISSION, AMC 2.18 CONSERVATION COMMISSION, AMC 2.21 CABLE ACCESS COMMISSION, AMC 2.23 ASHLAND AIRPORT COMMISSION, AMC 2.24 HISTORIC COMMISSION, AMC 2.25 TREE COMMISSION, **AMC 2.56 BAND BOARD**, REPEALING RESOLUTIONS 1995-25, 1996-18, 2003-07 and 2007-15, AND CREATING A NEW CHAPTER 2.29 CONCERNING PUBLIC ART AND **AMENDING CHAPTER 15.04**

Annotated to show deletions and additions to the code sections being modified. Deletions are **~~bold lined through~~** and additions are **bold underlined**.

WHEREAS, in 2006-2007 the City Council undertook the task of reviewing the Council Rules codified in AMC Chapter 2, under which the City Council operates; and

WHEREAS, as part of the Council Rules review, the Council Rules Committee began a review and discussion of the rules under which its advisory commissions, committees and boards operate; and

WHEREAS, in various Ordinances and Resolutions, the City has established numerous commissions, committees and boards as a means of providing detailed study, action and recommendations to the Council; and

WHEREAS, the City Council desires to complete the work of the Council Rules Committee as it relates to Additional Council Rules [separate ordinance] as well as Uniform Policies and Operating Procedures for Advisory Commissions, Committees and Boards [this ordinance]; and

WHEREAS, the City Council wishes to codify Regular Commissions such as Housing Commission, Forest Lands Commission and the Municipal Audit Committee (now Commission) in the Ashland Municipal Code and edit existing ordinances to reduce duplication; and

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. A new Chapter 2.10 [Uniform Policies and Operating Procedures for Advisory Commissions and Boards] is hereby added to the Ashland Municipal Code to read as follows:

2.10 Uniform Policies and Operating Procedures for Advisory Commissions and Boards

2.10.005 Purpose. Advisory commissions and boards (advisory bodies) require uniform rules, policies and operating procedures to assure maximum productivity and fairness for members and the public. Except where otherwise provided in this Code, the following policies and procedures govern all the City's commissions and boards, as well as ad hoc entities. Nothing herein removes the requirement for compliance with more specific regulations and guidelines set forth by state statute, administrative rule, ordinance, or resolution specific to the advisory body. These rules do not apply to the elected Parks and Recreation Commission.

2.10.010 Created or Established. See individual Commission or Board Code Chapters codified between AMC 2.11 and AMC 2.25.

2.10.015 Appointment. See AMC 2.04.090.C.

2.10.020 Terms, Term Limits and-Vacancies All successors to original members of an advisory commission or board, shall have a three (3) year term, except as otherwise provided in the appointment order. Notwithstanding the three year limitation, Planning Commissioners shall serve four (4) year terms. All regular terms shall commence with appointment and shall expire on April 30 of the third year, unless otherwise provided in the appointment order. The appointing authority may stagger terms in the original appointment order as necessary. Members may serve three (3) terms on any single commission or board, after which time the Mayor and Council will give due consideration to other qualified candidates before making a reappointment. Any vacancy shall be filled by appointment by the Mayor, with confirmation by the City Council, for any unexpired portion of the term as provided in AMC 2.04.090.C.

2.10.025 Meetings and Attendance. Unless otherwise provided by law, the number of meetings related to business needs of an advisory commission, or boards may be set by the advisory body. All members are expected to attend all regularly scheduled meetings, study sessions and special meetings, when applicable. If a member will be absent from a meeting the member must notify the chair or the staff liaison at least two hours prior to the meeting. Any member who has two or more unexcused absences in a six month period [i.e. January 1– June 30 or July 1 - December 31] shall be considered inactive and the position vacant. Further any member not

attending a minimum of two-thirds (2/3) of all scheduled meetings (inclusive of study sessions and special meetings) shall be considered inactive and the position vacant. Attendance shall be reviewed by the commission or board during the regularly scheduled meetings in January and July, with a report sent to the Mayor and City Council advising of the need for appointment or re-appointment, if necessary.

2.10.030 Removal. See AMC 2.04.090.F.

2.10.035. Public Meeting Law. All meetings of advisory commissions and boards are subject to strict compliance with public meeting laws of the State of Oregon. Notwithstanding notice requirements under Oregon law, advance notice of at least 36 hours shall be provided for all meetings. Notice shall be sent to a newspaper with general local circulation and posted on the city's website. In the case of emergency or when a state of emergency has been declared, notice appropriate to the circumstances shall be provided and reasons justifying the lack of 36-hour notice shall be included in the minutes of such meeting.

2.10.040 Quorum-and Effect of Lack Thereof. A quorum shall be determined by dividing the number of regular members of the body by two and adding one or, in the case of a fractional result, rounding up to the next whole number. Non-voting ex officio members, staff and liaisons do not count toward the quorum. A majority of the quorum is necessary to adopt any motion. Members need not be physically present at a meeting if another means of attendance (e.g. telephonic, internet etc.) has been established by the membership and public meetings law requirements are met. If there is no quorum for a meeting, no official business shall be conducted and all matters advertised shall automatically be continued to the next regularly scheduled meeting.

2.10.045 Council Liaison. See AMC 2.04.100.

2.10.050. Election of Officers, Secretary, and Subcommittees. At its first meeting of the year the advisory commission or board shall elect a chair and a vice chair who shall hold office at the pleasure of the advisory body. Neither the chair nor vice-chair shall serve as an officer for more than two consecutive terms. Without the need for an appointment, the head of the City Department staffing the commission, committee or board shall be the Secretary and shall be responsible for keeping an accurate record of all proceedings. The Department head may delegate such tasks to a staff liaison. Subcommittees may be formed for the purpose of gathering information and forming a recommendation to be brought forward to the full advisory body. Provided however, only the full body can make

recommendations to the City Council. Subcommittees must comply fully with the requirements of Oregon Public Meetings law.

2.10.055. Role of Staff. At least one staff person is assigned to work with each advisory commission or board. The staff liaison provides professional guidance, continuity, and insight into City policy and attends all regular and special meetings and workshops. The staff liaison supports the group as a whole and shall not do work at the request of individual members. Each staff liaison has a limited amount of time to devote to the group. If additional staff time is needed the request should be made to the City Administrator or appropriate Department Head.

2.10.060 Agendas and Minutes. The chair or staff liaison will be responsible for the agenda of all meetings of advisory commissions and boards. A member or staff liaison will be responsible for taking minutes. Agendas and minutes will be posted on the city's web site. Members are encouraged to access those documents from the web site. Staff will email or mail documents to members upon request. The Council Liaison shall periodically be given the opportunity to report to the commission or board.

2.10.065. Goals. Advisory commissions and boards are encouraged to establish annual goals and action items that reflect the body's charge as stated in the specific commission ordinance. Advisory bodies are expected to suggest, support and advance Council goals and are encouraged to look for ways within their own unique responsibilities to do so.

2.10.070. Rules and Regulations. The advisory commission or board may make such rules and regulations as are necessary for its governance, including the conduct of meetings, when not inconsistent with Ashland City Charter, Ashland Municipal Code or Oregon law. These rules may be less formal than Roberts Rules of Order. In the event of conflicts that cannot be resolved less formally, Roberts Rules of Order shall be used as the standard for meeting rules and procedures. Failure to strictly follow Roberts Rules of Order shall not be cause to void or otherwise disturb a decision or action. The body will strive to be clear in its proceedings.

2.10.080. Code of Ethics. The City of Ashland is committed to the highest ethical standards for its public officials. To ensure public confidence, all members of advisory commissions and boards must be independent, impartial, responsible and not use their position for personal gain or to benefit or harm others. Advisory commissions and boards shall operate in the general public interest serving the community as a whole and shall serve no special interests. Advisory commission and board members shall not endorse in their official capacity any commercial product or enterprise. Members should be aware the criminal codes, ethics and conflict of

interest laws set forth in state statutes and city ordinances, including but not limited to the State of Oregon Criminal Code, ORS 244 and in AMC Chapter 3.08.

2.10.085. Deliberation. It is the duty of the chair or presiding officer to ensure that each member has the opportunity to speak. Members speak only for themselves and shall be open, direct and candid. Members shall strive to deliberate to a decision and shall rely upon the chair to keep the discussion moving. No member shall speak more than once until every member choosing to speak shall have spoken or waived their right to do so. No member shall speak more than twice on the same motion without leave of the presiding officer.

2.10.090. Council as Final Decision-Maker. With the exception of certain delegated quasi-judicial actions, most advisory commissions and boards do not make final decisions subject to appeal but rather make recommendations to, or act in an advisory capacity to the council. The City Council is the final decision-maker on all city policies and the use of city resources.

2.10.095 Gifts. Subject to the acceptance of the City Council, an advisory body may receive gifts, bequests or devises of property in the name of the City to carry out any of the purposes of the advisory commission or board, which funds, if required by the terms of the gift, bequest or devise, shall be segregated from other funds for use with the approval of the City Council.

2.10.100 Budget, Compensation and Expenses. Money is set aside in department budgets for Commission and Board expenses. Should an advisory body require additional funds, requests should be submitted to the department head through the staff liaison. Regular members of the advisory commissions and boards shall receive no compensation for services rendered. Members must receive permission and instructions from the staff liaison in order to be reimbursed for training or conferences and associated travel expenses related to official business.

2.10.105 Reports. Advisory commissions and boards shall submit copies of its minutes to the city council and shall prepare and submit such reports as from time to time may be requested by the Mayor and City Council. Unless otherwise expressly provide in the Ashland Municipal Code or State Law, all reports or recommendations of City advisory bodies committee shall be considered advisory in nature and shall not be binding on the mayor or city council.

2.10.110. Lobbying and Representing the City. Members shall only represent the opinion or position of the advisory body if specifically authorized by the full membership at a duly advertised meeting. Unless

specifically directed by the City Council to state the city's official position on federal, state or county legislative matters, no lobbying before other elected bodies or committees will be undertaken by members of advisory commissions and boards. An individual member is free to voice a position on any issue as long as it is made clear that the speaker is not speaking as a representative of the city or as a member of an advisory commission or board. Advisory body members are prohibited from engaging in political activity in accordance with ORS 260.432.

SECTION 2. A new Chapter AMC 2.11 [Municipal Audit Commission] is hereby added to the Ashland Municipal Code to read as follows:

2.11 Municipal Audit Commission.

2.11.005. Purpose. The role and responsibilities of the Municipal Audit Committee were established in June 1991 pursuant to Resolution 91-16 and have been amended by Resolution several times. The City Council desires to codify herein the establishment of the Municipal Audit Commission, (formerly known as Municipal Audit Committee).

2.11.010. Municipal Audit Commission Established. The Municipal Audit Commission is established and shall consist of four (4) voting members. Notwithstanding any other provision of the Ashland Municipal Code, four voting members shall be appointed by the city council and shall consist of the Mayor or a Councilor, one Budget Committee member, and two citizens at large. The City Recorder shall be an ex-officio non-voting member.

2.11.015. Modified Terms and Qualifications

A. Terms. Notwithstanding any other provision of the Ashland Municipal Code, the terms of the Mayor or Councilor, Recorder and Budget Committee member shall be for one-year each expiring on April 30 of each year. All other terms shall be as provided in AMC 2.10.020.

B. Qualifications. In making the citizen at large appointments, the council shall give preference to persons with accounting or auditing experience, background or expertise.

2.11.020. Duties and Responsibilities. The Municipal Audit Commission shall be responsible to:

A. Recommend to the council an independent firm of certified public accountants to perform the annual audit of the city.

B. Analyze and report to the council significant findings in the annual audit report and make recommendations regarding such findings.

C. Make recommendations, if any, to the council regarding the following financial documents:

- 1. Annual financial statements.**
- 2. Management letter submitted by the independent auditor, and**
- 3. Response to management letter submitted by city staff.**

D. To effectuate the duties and responsibilities of the Committee, the Committee may require the presence of any city official at its meetings.

SECTION 3. A new Chapter AMC 2.15 [Forest Lands Commission] is hereby to the Ashland Municipal Code added to read as follows:

2.15 Forest Lands Commission

2.15.005 Purpose. The Forest Lands Commission has as its primary purpose the protection and enhancement of conditions of late-successional and old-growth forest ecosystems on city-owned forest lands to provide high quality water for domestic supply. The role and responsibilities of the Forest Lands Commission were first established in February 1993 pursuant to Resolution 93-06 and have been amended by Resolution several times. The city council desires to codify herein the establishment of the Forest Lands Commission.

2.15.010 Established - Membership. The Forest Lands Commission is established and shall consist of seven (7) voting members including a representative of the Ashland Parks Commission. The Commission may also consist of certain non-voting ex-officio members, including a representative of the USDA Forest Service Ashland Ranger District, a representative of the Oregon Department of Forestry, a member of the City Council, a representative from the Tree Commission, the Director of Public Works, Director of Planning, Fire Chief, Police Chief, Parks and Recreation Director or their designees.

2.15.015 Powers and Duties - Generally. The powers, duties and responsibilities of the Forest Lands Commission shall be as follows:

A. To implement the Ashland Forest Plan developed and adopted by the City of Ashland in June, 1992.

B. To provide integrated, interdisciplinary direction and oversight for the development of forest ecosystem management plans and related activities in the Ashland watershed.

C. To develop a strong community volunteer program to assist in the implementation of the Ashland Forest Plan.

D. To submit recommendations to the City Council regarding forest management.

E. To ensure that plans integrate the forest management needs and concerns of the City and of private land owners in the wildland urban interface.

F. To promote public knowledge and acceptance of the Ashland Forest Plan programs.

SECTION 4. A new Chapter 2.19, [Housing Commission], is hereby established to read as follows:

2.19. HOUSING COMMISSION

2.19.005 Purpose and Mission The mission of the Ashland Housing Commission is to encourage housing that is available and affordable to a wider range of city residents, to enhance cooperation between the public and private sectors, to encourage financial entities to support housing programs in the city, to coordinate housing and supportive services programs and to educate the citizenry and promote public knowledge and understanding of the benefits of affordable housing.

2.19.010 Established-Membership The Housing Commission is established and shall consist of nine (9) voting members and one (1) non-voting ex-officio member who shall be the City Housing Program Specialist.

2.18.015 Powers and Duties-Generally The powers and duties of the commission shall be as follows:

A. To develop and recommend coordinated housing and supportive services programs;

B. To recommend housing and supportive services priorities for the city;

C. To review and make recommendations to the City Council on Community Development Block Grant (CDBG) and related allocations;

D. To review and make recommendations to the City Council on the Housing Trust Fund and related allocations;

E. To investigate federal, state, county and private funding for implementation of city housing programs;

F. To act in an advisory capacity and to provide advice and guidance to the City Council and other commissions on housing related matters;

G. To oversee the dissemination of accurate information on the city's housing supply and affordability;

H. To monitor projects funded with the Community Development Block Grant (CDBG) and the Housing Trust Fund;

I. To foster public knowledge and support of official city housing programs

SECTION 5. Chapter 2.12, [Planning Commission], is hereby amended to read as follows:

2.12 City Planning Commission

2.12.010 Established Membership Created

There is ~~established created~~ a City Planning Commission consisting of nine (9) members, to be appointed by the Mayor and confirmed by the City Council, to serve without compensation, not more than one (1) of whom may reside within three (3) miles outside the City limits. **Appointments shall conform to the legal constraints of ORS 227.030.** ~~The Mayor shall be an ex officio, non-voting member of the City Planning Commission.~~

2.12.020 (Repealed)

2.12.030 ~~Terms of Office – Vacancies~~

~~Successors to the original members of the City Planning Commission shall hold office for four (4) years.~~

2.12.035 ~~Terms of Office – Attendance~~

~~All appointed Commissioners shall be expected to attend regularly scheduled Planning Commission meetings, study sessions, and Hearings Board meetings, when applicable. Any Commissioner having two (2) unexcused absences in a six (6) month period shall be considered inactive~~

~~and the position vacant. Any Commissioner not attending a minimum of two-thirds (2/3) of all scheduled meetings shall be considered inactive and the position vacant. Attendance shall be reviewed by the Commission during the regularly scheduled meetings of January and July, with recommendations sent to the Mayor and Council for replacement, if necessary.~~

~~2.12.040 Elections of Officers – Annual Report~~

~~The Commission, at its first meeting, or as set forth in the Planning Commission bylaws, shall elect a Chair and a Vice-Chair, and shall appoint a Secretary who need not be a member of the Commission, all of whom shall hold office at the pleasure of the Commission. The Secretary shall keep an accurate record of all proceedings, and the City Planning Commission shall, on the first day of October of each year, make and file a report of all its transactions with the City Council.~~

~~2.12.050 Quorum – Rules and Regulations~~

~~Five (5) members of the City Planning Commission constitute a quorum. The Commission may make and alter rules and regulations for its government and procedure, consistent with the laws of the state and shall meet at least once every thirty (30) days. The recommendation to the City Council of any amendment to the Land Use Ordinance or Comprehensive Plan shall be by the affirmative vote of not less than a majority of the total members of the commission.~~

~~2.12.060 Powers and Duties - Generally~~

A. The Planning Commission is the appointed citizen body with the primary responsibility of providing recommendations to the Mayor and City Council regarding the overall direction of land use planning. The Commission reviews and makes recommendations regarding comprehensive land use planning and fosters mutual communication on land use issues. The Commission is responsible to the City Council for making recommendations on land use plans and policies that are coordinated with other City plans, policies, and functions.

B. The Planning Commission shall have the powers and duties to:

1. Periodically review the Comprehensive Plan and make recommendations to the City Council on public processes, studies, and potential revisions to the Plan. Work in conjunction with other City citizen advisory commissions,

boards, and committees to ensure coordination of various elements of the Comprehensive Plan.

2. Render quasi-judicial decisions on land use applications and appeals of administrative land use decisions as prescribed by the Ashland Code and Oregon state law.

3. Conduct public hearings and make recommendations to the City Council on planning issues and legislative changes to land use regulations and ordinances.

4. When needed to implement City goals and policies, meet with other planning bodies in the region on issues that affect City land use planning. Make recommendations to the City Council on regional land use issues in general.

5. Foster public awareness and involvement in all aspects of land use planning in the community.

C. Except as otherwise set forth by the City Council, the Planning Commission may exercise any or all of the powers and duties enumerated in ORS 227.090 et. seq., as well as such additional powers and duties as are set forth herein.

2.12.070 (Repealed)

2.12.080 Funding – Gifts and Bequests

~~The City Council may annually budget such sums, and authorize the employment of consulting advice and/or necessary staff to carry out the powers and duties delegated to the City Planning Commission and its subcommittees set forth in this chapter. The Commission may receive gifts, bequests or devises of property to carry out any of the purposes of this chapter, which shall be placed in a special fund for the use of said Commission.~~

SECTION 6. Chapter 2.13, [Transportation Commission], is hereby amended to read as follows:

2.13 Transportation Commission

2.13.010 Purpose and Mission. Established Generally

A. Role. The Transportation Commission advises the City Council on transportation related issues specifically as they relate to safety, planning, funding and advocacy for bicycles, transit, parking, pedestrian and all other modes of transportation.

B. Mission. The need for a Transportation Commission is emphasized in the Transportation Element:

"Ashland has a vision – to retain our small-town character even while we grow. To achieve this vision, we must proactively plan for a transportation system that is integrated into the community and enhances Ashland's livability, character and natural environment. ...The focus must be on people being able to move easily through the city in all modes of travel. Modal equity then is more than just a phase. It is a planning concept that does not necessarily imply equal financial commitment or equal percentage use of each mode, but rather ensures that we will have the opportunity to conveniently and safely use the transportation mode of our choice, and allow us to move toward a less auto-dependent community."

~~C. Powers and Duties, Generally. The Transportation Commission will review and make recommendations on the following topics as it relates to all modes of Transportation:~~

~~1. Safety: will develop, coordinate and promote transportation safety programs;~~

~~2. Planning:~~

~~* Will review and serve as the primary body to develop recommendations to the City's long range transportation plans.~~

~~* Will review and make recommendations in Type III Planning Actions during the pre-application process.~~

~~3. Funding: will make recommendations to the City's transportation section of the Capital Improvements Program;~~

~~4. Advocacy: will advocate and promote all modes of transportation to make modal equity a reality.~~

~~* Facilitate coordination of transportation issues with other governmental entities.~~

~~* Select one or more member liaisons to attend and participate in meetings with other transportation related committees in the Rogue Valley.~~

~~* Examine multi-modal transportation issues.~~

~~D. Powers and Duties, Specifically. The Transportation Commission will review and forward all traffic implementation regulations to the Public Works Director for final approval and implementation of official traffic safety and functional activities.~~

2.13.020 Established-Membership

A. Voting Members. The Transportation Commission **is established and** shall consist of nine (9) voting members as designated by the Mayor and confirmed by the council. Voting members will all be members of the community at large and will represent a balance of interest in all modes of transportation. ~~The Chair will be elected among its members annually. A vice chair will also be elected among its members to serve in the chair's absence and who will succeed to the chair on April 30 following the chair's term expiration.~~

B. Non-voting Ex Officio Membership. The Director of Public Works or designee shall serve as the primary staff liaison and as Secretary of the Commission. Including the staff liaison, there will be eleven (11) total non-voting ex officio members who will participate as needed and will include one member of the Council as appointed by the Mayor, Community Development & Planning, Police, Fire, Southern Oregon University, Ashland Schools, Oregon Department of Transportation, Rogue Valley Transportation District, Ashland Parks and Recreation, Jackson County Roads. ~~In addition to the eleven non-voting ex officio members, a student member may be appointed and would serve as an additional non-voting ex officio member.~~

2.13.030. Powers and Duties, Generally. The Transportation Commission will review and make recommendations on the following topics as it relates to all modes of Transportation:

1. Safety: will develop, coordinate and promote transportation safety programs;

2. Planning:

*** Will review and serve as the primary body to develop recommendations to the City's long range transportation plans.**

*** Will review and make recommendations in Type III Planning Actions during the pre-application process.**

3. Funding: will make recommendations to the City's transportation section of the Capital Improvements Program;

4. Advocacy: will advocate and promote all modes of transportation to make modal equity a reality.

* Facilitate coordination of transportation issues with other governmental entities.

* Select one or more member liaisons to attend and participate in meetings with other transportation related committees in the Rogue Valley.

* Examine multi-modal transportation issues.

D. Powers and Duties, Specifically. The Transportation Commission will review and forward all traffic implementation regulations to the Public Works Director for final approval and implementation of official traffic safety and functional activities.

2.13.030 Term and Vacancies

~~A. Term. The term for each voting member shall be three years, expiring on April 30th.~~

~~B. Initial Term Transition. Three of the nine members shall be appointed to initial terms expiring April 30, 2010; three of the nine shall be appointed to initial terms expiring April 30, 2011; and three shall be appointed to initial terms expiring April 30, 2012. Following these initial terms, all members shall serve for 3 year terms expiring April 30.~~

~~C. Vacancy. Any vacancy shall be filled by appointment of the Mayor and confirmed by the City Council, for the unexpired portion of the term. Any commissioner who is absent without prior notification from four or more meetings in a 12 month period shall be considered no longer active and the position will be deemed vacant.~~

2.13.040 Quorum, Rules and Regulations

~~One more than half of the sitting voting members of the Commission shall constitute a quorum. The Commission shall meet monthly and at least ten times per calendar year. The Commission may recommend or make rules and regulations for its government and procedure, consistent with the laws of the State and the City Charter and ordinances.~~

2.13.050 Traffic Sub-Committee

A. Purpose. The purpose of the Traffic Sub-Committee is to enable the Transportation Commission to focus on broad transportation concerns by reducing the number of routine and general non-routine traffic items that come before the full Commission and to insure the Transportation

Commission will have sufficient time to devote their full attention to the overall transportation matters at issue.

B. Membership. The Traffic Sub-Committee **is established and** consists of three regular members of the Transportation Commission who shall sit concurrently on the full Commission. Sub-committee members shall be appointed by the Transportation Commission Chair on a rotating basis until all members have served. Terms are for six month intervals and members may only sit for two consecutive terms at any one time. The Public Works Director shall determine what matters warrant Sub-Committee involvement and meetings shall be convened on an as needed basis. The Public Works Director or designee will serve as staff liaison and recorder for these meetings.

C. Duties. The Traffic Sub-Committee shall consider the following matters:

1. Forward recommendations to the Transportation Commission and Public Works Director on routine and general non-routine traffic concerns including but not limited to traffic impacts, speed designations, parking, markings, and signage.
2. Recommend to the Transportation Commission specific comments, concerns or suggestions for the improvements to the City of Ashland's Transportation System Plan or similar Transportation programs, with the emphasis on long range transportation planning and regional transportation plans.
3. Such other general or minor transportation matters as the Transportation Commission deems appropriate for the Traffic Sub-Committee format.
4. The Traffic Sub-Committee or staff liaison may refer any matter before the Traffic Sub-Committee to the Transportation Commission when it becomes apparent the matter involves major policy concerns or potential serious transportation impacts on surrounding areas.

E. Minutes. All Traffic Sub-Committee action minutes will be forwarded to the following Transportation Commission meeting.

2.13.060 Reports

~~The commission shall submit copies of its minutes to the City Council and shall prepare and submit such reports as from time to time may be requested of them by the City Council, Public Works Director or Community Development Director.~~

2.13.070 Compensation

~~Voting members of the commission shall receive no compensation for service while on the Transportation Commission or Traffic Sub-Committee.~~

SECTION 7. Chapter 2.17, [Public Arts Commission], is hereby amended to read as follows [Note: several deleted sections are moved to a new Chapter 2.29 (Public Art Process) set forth below]:

2.17 Public Arts Commission

2.17.005 Purpose

The mission of the Public Arts Commission is to enhance the cultural and aesthetic quality of life in Ashland by actively pursuing the placement of public art in public spaces and serving to preserve and develop public access to the arts. The continued vitality of the arts in the City of Ashland is a vital part of the future of the city as well as of its citizens. The arts are an important part of the cultural and economic life of the entire community of Ashland and enrich the participants in the arts as well as those who observe them. Several organizations which exist in Ashland are active in the arts and provide leadership to the community on arts related matters. The creation of a Public Arts Commission for the City of Ashland will assist those organizations, and other organizations and individuals, to make arts a more important part of the city's life. Recommendations from the Commission regarding the acquisition and placement of public art should be based upon accepted standards and guidelines as opposed to personal opinion. This chapter will create a Public Arts Commission and adopt standards and guidelines for selecting, commissioning, placing, maintaining, and removing public art.

2.17.008 Definitions

~~A. "Acquisition" means the inclusion of an artwork in the Ashland Public Art Collection by any means including direct purchase, commission or acceptance of a gift.~~

~~B. "Artwork" means visual works of public art as defined herein.~~

~~C. "Ashland Public Art Collection" means all public art acquired by the City by any means.~~

~~D. "Capital improvement program (CIP)" means the city's program for advance planning of capital improvements.~~

~~E. "City project" or "project" means any capital improvement project in an amount over \$25,000 paid for wholly or in part by the city of Ashland to purchase or construct any public building, decorative or commemorative public structure, sidewalk, or multi-use pathway construction, park facility construction, or any portion thereof, within the limits of the city of Ashland. "City project" or "project" does not include public utility improvements, (e.g. electric, water, sewer, or stormwater), LID improvements, including but not limited to streets, sidewalks and associated improvements, property acquisition, earth work, emergency work, minor alterations, rehabilitation, minor or partial replacement, remodeling or ordinary repair or maintenance necessary to preserve a facility. Notwithstanding the above limitation, the Council or responsible contracting officer may include any new city street or utility project (limited to water, sewer and storm water projects) in an amount over \$25,000 as a city project under this article, by either vote of the Council or inclusion in the contract solicitation documents prepared by the responsible contracting officer.~~

~~F. "Commission" means the Ashland Public Arts Commission created by AMC 2.17.010, consisting of seven members appointed by the mayor and confirmed by the Council.~~

~~G. "Eligible funds" means a source of funds for projects from which art is not precluded as an object of expenditure.~~

~~H. "Participating department" means the department that is subject to this article by its sponsorship of a city project.~~

~~I. "Percent for art" means the program established by this article to set aside a percentage of the total cost of city projects for public art.~~

~~J. "Public art" means all forms of original works of art in any media that has been planned and executed with the specified intention of being sited or staged on City Property or on property owned or controlled by the City of Ashland, usually outside and accessible to the public.~~

~~K. "Public art account" means the city of Ashland public art account in the city budget established by this article into which all moneys donated, appropriated or derived pursuant to the percent for art program shall be deposited. Funds within the public art account shall be utilized for the purposes outlined in this article.~~

~~L. "Removal" means the exclusion of an artwork from the Ashland public art collection by the removal and disposal through any available means, such as relinquishing title through sale, gift or destruction.~~

~~M. "Selection Panel" means a group of individuals selected by the Commission that will evaluate the proposals associated with a particular project in a public meeting.~~

~~N. "TOT Funds" means the portion of transient occupancy tax funds allocated for public art.~~

~~O. "Commercial Development Fee" means funds deposited by a commercial developer into the Public Art account when the developer prefers not to incorporate public art into the project and follow the public art process for art acquisition and approval.~~

~~P. "Total cost" means the entire amount of the city's financial contribution toward construction and maintenance of a project.~~

2.17.010 Established Membership. Created

The Public Arts Commission for Ashland is **established created** and shall have the powers and duties provided in this chapter.

2.17.020 Members; Terms

The Public Arts Commission shall consist of seven members appointed by the mayor and confirmed by city council. The commission shall contain five members from a broad spectrum of citizens including artists and those with a background in the arts, arts organizations, education, structural and landscape architecture, and two citizens at large. **The mayor shall also designate a council member as a non-voting ex-officio council member and as liaison to the commission.** At least five members of the commission shall reside inside the city limits. ~~The appointees shall have three-year terms. The original appointees shall be appointed: two for one year, two for two years and three for three years, thereafter all terms will be for three years. All members may vote on any matter coming before the commission, except as the ethics laws of the State of Oregon may provide. Any commissioner who is absent from four or more meetings in a one-year period without being excused, shall be considered no longer active and the position vacant, and a new commissioner shall be appointed to fill the vacancy.~~

2.17.030 Officers

~~At its first meeting the Public Arts Commission shall elect a chair and a vice chair who shall hold office for one year, except that the first chair and vice chair shall serve until the end of the calendar year. At the first meeting of each calendar year, the chair or vice chair from the previous year shall preside over elections for chair and vice chair. Neither the chair~~

~~nor vice chair shall serve as an officer for more than two consecutive terms.~~

2.17.050 Meetings; Quorum; Voting

~~The Public Arts Commission shall hold an official meeting at least monthly and may hold special meetings as set by the commission. A majority of the members constitutes a quorum for meetings. Provided a quorum is present, any item must be approved by a simple majority of the voting members present at a meeting to pass, unless otherwise provided.~~

2.17.060 Rules and Regulations

~~The Public Arts Commission shall establish such rules and regulations for its government and procedures consistent with the laws of the state and the ordinances of the city.~~

2.17.070 Powers and Duties

The Public Arts Commission shall be specifically responsible for, but not limited to, the following:

- A.** The commission shall ensure the arts continue to be of value as an integral part of Ashland.
- B.** The commission shall promote the arts in Ashland to enrich the lives of its citizens through education and demonstration.
- C.** The commission may assist the city council, the Ashland Parks and Recreation Commission, historic commission and the planning commission in using public art to enhance existing development in public parks and other public lands and in public structures.
- D.** The commission shall advise the planning commission, the Ashland Parks and Recreation Commission, other city commissions and committees and city departments regarding artistic components of all municipal government projects under consideration by the city. The commission may also serve as a resource for artistic components of land use developments.
- E.** The commission shall develop and recommend to the city council policies and programs that would enhance and encourage the planning, placement and maintenance of public displays of art in locations open to the public within the community.

F. The commission shall encourage connections with other local, regional and national organizations working for the benefit of art and preservation of artistic values, and other similar activities.

G. The commission shall recognize and encourage groups and organizations that enrich Ashland life by bringing cultural and artistic values and artifacts to the city.

H. The commission shall pursue gifts and grants for support of arts programs and activities and the procurement of public art.

2.17.080 Compensation

~~Voting members of the commission shall receive no compensation for services rendered. The commission may receive gifts, bequests or devises of property on behalf of the city to carry out any of the purposes of this chapter. These shall be placed in a special account for use of the commission.~~

2.17.090 Policies

~~A. The Public Arts Commission shall operate in the general public interest serving the community as a whole. It shall serve no special interests.~~

~~B. The Public Arts Commission shall not endorse any commercial product or enterprise~~

2.17.100 Process for acquiring public art

~~A. General. The Public Art Commission will call for entries by issuing a request for proposal, a request for qualification or by invitation. The call for entries will include specific guidelines and criteria for the specific project. Every call for entry must comply with the City's public contracting rules.~~

~~1. Acquisition. Acquisition of public art will generally result from:~~

~~a. The commissioning or purchasing of a work of public art by the city using city funds or donated funds, in accordance with public contracting laws and AMC Chapter 2.50; or~~

~~b. An offer made to the city to accept a work of public art as a gift, donation, or loan.~~

~~2. Removal. Removal of public art may be by request or owing to some damage or destruction of the artwork.~~

~~B. Selection Panel. A selection panel, separate from the Public Art Commission, consisting of art professionals and enthusiasts, residents near the proposed site, community members, and city administrators will be chosen to evaluate the proposals received from artists. A different selection panel shall be chosen for each project by the Commission after the following notifications have been made:~~

- ~~1. An ad is placed in a newspaper of general circulation in the city,~~
- ~~2. Postcards are sent out to all property owners located within 300 feet of the proposed site, and~~
- ~~3. A notice is placed on the city's website.~~

~~The Commission shall pick the Selection Panel by examining applications received from interested parties.~~

~~C. Evaluation of Acquisition Proposals. Proposals which meet the minimum requirements set forth in the call for entries will be given to the Selection Panel for review. The proposals for acquisition shall be evaluated based upon criteria set forth in the call for entries at a public meeting. The Selection Panel will evaluate the proposals and make a recommendation to the Public Art Commission regarding which proposals to accept. The Commission shall forward that recommendation to the City Council for final selection. This ordinance does not exclude land use approval processes when required for the use or structure.~~

~~D. Removal and Disposal Process. Except as provided in AMC 2.17.140(B), neither the Council nor the Commission is bound to follow any particular process for removal and disposal of art in the Ashland Public Art Collection.~~

~~2.17.110 Review process for gifts or donations~~

~~The Commission may solicit gifts and bequests of public art or funds to benefit the Ashland Public Art Collection. The Council shall decide whether to accept all such gifts of art work on behalf of the city and the Ashland Public Art Collection on its own motion or upon a recommendation by the Commission based on its own evaluation, or by recommendation of the Commission after the Selection Panel has evaluated the artwork using the guidelines in AMC 2.17.130 and the total cost over the life of the artwork.~~

~~All art works or funds shall be administered by the city in accordance with its terms. Funds donated to the Commission shall be placed in a special account to be used exclusively for the purposes of the Commission or as designated by the donor. Funds in this account may only be expended after they have been properly budgeted or approved by the city.~~

~~2.17.120 Public Art on Private Property~~

~~Before public art can be placed on private property the Commission shall determine whether the site is appropriate for public art under the Site Selection criteria in AMC 2.17.130. If the site is found to be appropriate for public art, the City shall secure authorization to use and access the private property where the public art will be located before the acquisition process for public art is initiated. There shall be a written agreement or legal instrument, granting the City permission and control of the property so that the property can be used for public art purposes, including access for installation, maintenance and removal of the artwork. Public art can then be acquired for placement on private property by following the process for:~~

~~A. Acquisition in AMC 2.17.100, or~~

~~B. Gifts and donations in AMC 2.17.110.~~

~~2.17.130 Guidelines for recommendation by the Commission~~

~~A. Selection Guidelines for Works of Public Art.~~

~~1. Quality. The artwork should be of exceptional quality and enduring value.~~

~~2. Site. The artwork should enhance the existing character of the site by taking into account scale, color, material, texture, content, and the social dynamics of the location.~~

~~3. History and Context. The artwork should consider the historical, geographical, and cultural features of the site, as well as the relationship to the existing architecture and landscaping of the site.~~

~~4. Initial Cost. The total cost of the artwork, including all items related to its installation, should be considered.~~

~~5. Maintenance and Durability. The durability and cost to maintain the artwork should be considered and quantified, particularly if the work is servicing, repainting, repairing or replacement of moving parts.~~

~~6. Permanence. Both temporary and permanent art works shall be considered.~~

~~7. Media. All forms of visual media shall be considered, subject to any requirements set forth by city ordinance.~~

~~8. Public Liability. The artwork should not result in safety hazards, nor cause extraordinary liability to the city.~~

~~9. Diversity. The artwork in the Ashland Public Art Collection should encourage cultural diversity.~~

~~10. Commercial Aspect. The artwork shall not promote goods or services of adjacent or nearby businesses.~~

~~11. Compliance. Artworks shall not violate any federal, state, or local laws, including specifically AMC Chapter 18.96.~~

~~B. Guidelines for Site Selection.~~

~~1. Ownership or Control. Public art should be placed on a site owned or controlled by the city, or there should be a written agreement or legal instrument, granting the City permission to use the property for public art purposes, including access for installation, maintenance and removal.~~

~~2. Visual Accessibility. Public art should be easily visible and accessible to the public.~~

~~3. Visual Enhancement. Public art should visually enhance the overall public environment and pedestrian streetscape.~~

~~4. Pedestrian Accessibility. Public art should experience high levels of pedestrian traffic and be part of the city's circulation paths.~~

~~5. Circulation. Public art should not block windows, entranceways, roadways or obstruct normal pedestrian circulation or vehicle traffic.~~

~~6. Scale. Public art should not be placed in a site where it is overwhelmed or competing with the scale of the site, adjacent architecture, large signage, billboards, etc.~~

~~2.17.140 Standards for the Ashland Public Art Collection~~

~~A. Acquisitions. The following minimum standards and criteria shall apply to the acquisition of artworks.~~

- ~~1. Artworks may be acquired by direct purchase, commission, gift or any other means.~~
- ~~2. Acquisition, whether by direct purchase, commission, gift, or otherwise, shall occur by a legal instrument of conveyance or other writing transferring title of the artwork to the City and clearly defining the rights and responsibilities of all parties.~~
- ~~3. The city shall obtain the rights of ownership and possession without legal or ethical restrictions on the future use of the artwork upon final acceptance of the artwork, except where expressly provided in the contract with the artist. The artists shall retain all rights and interests in the artwork except for the rights of ownership and possession.~~
- ~~4. The City shall only acquire artworks if: 1) the artist warrants that he will not make a duplicate of the artwork, or permit others to do so, without written permission by the City, and 2) the artist gives permission to the City to make a two-dimensional reproductions as long as all such reproductions provide the copyright symbol, name of the artist, title of the artwork, and the date of completion.~~
- ~~5. Complete records, including contracts with artists, shall be created and maintained for all artworks in the Ashland Public Art Collection.~~

~~B. Removal.~~

- ~~1. The Commission may recommend removal and/or disposal based on one or more of the following conditions. No public hearing is required for a removal recommendation.~~
 - ~~a. The site for an artwork has become inappropriate because the site is no longer accessible to the public or the physical site is to be destroyed or significantly altered.~~
 - ~~b. The artwork is found to be forged or counterfeit.~~
 - ~~c. The artwork possesses substantial demonstrated faults of design or workmanship.~~

- ~~d. The artwork causes excessive or unreasonable maintenance.~~
- ~~e. The artwork is damaged irreparably, or so severely that repair is impractical.~~
- ~~f. The artwork presents a physical threat to public safety.~~
- ~~g. The artwork is rarely displayed.~~
- ~~h. A written request for removal has been received from the artist.~~

~~2. Council Removal Process.~~

- ~~a. On its own motion, or following receipt of a recommendation from the Commission the Council may remove and dispose of any artwork previously accepted into the Ashland Public Art Collection in their sole discretion.~~
- ~~b. Acceptance or placement of donated art by the city does not guarantee continuous public display of the artwork regardless of physical integrity, identity, authenticity, or physical condition of the site.~~
- ~~c. Removal officially deletes the work from the city of Ashland Public Art Collection by a relinquishment of title to the artwork; thus, eliminating the city's obligation to maintain and preserve the artwork.~~
- ~~d. Notwithstanding the above, Artwork shall be disposed of in accordance with any specific terms for removal and disposal set forth in the contract with the Artist.~~

~~3. Removal and Disposal.~~

- ~~a. The city may donate the artwork to another governmental entity or a nonprofit organization.~~
- ~~b. A work that is deemed to have retained sufficient monetary value to warrant resale, shall be disposed of through a public sale, auction, or any other means as established by city ordinance.~~

~~c. Artworks removed from the Ashland Public Art Collection may be disposed of through any appropriate means, including the city's procedures for the disposition of surplus property.~~

~~C. Borrowing of Artworks.~~

- ~~1. The Commission may also recommend artworks be borrowed.~~
- ~~2. With the exception of ownership, the eligibility, review criteria, and procedure for borrowed works shall be the same as those established in this article for acquisition.~~
- ~~3. The borrowing of artworks shall be pursuant to written agreement between the city and the artist.~~
- ~~4. Nothing herein prohibits the city from securing other works of art or art exhibitions for display inside its facilities.~~

~~2.17.150 Maintenance of the Ashland Public Art Collection~~

~~A. Except where expressly provided in a contract or warranty for public art the city shall be responsible for all maintenance of all artworks in the Ashland Public Art Collection.~~

~~B. Within the limitation of the city budget the city shall provide necessary and appropriate maintenance of the Ashland Public Art Collection, including, but not limited to, regular custodial care and landscape maintenance. Maintenance shall be performed in accordance with any special instructions or procedures necessary for the preservation of the work.~~

~~C. Any evidence of damage, deterioration, vandalism or theft of artworks in the Ashland Public Art Collection shall be immediately reported to the appropriate City Department. City staff shall keep the Commission and Council informed of damage to City property.~~

~~2.17.160 Parks commission~~

~~The standards and procedures in this article are in addition to, not in derogation of, the Ashland parks commission review responsibilities for projects proposed in city parks. Nothing herein exempts public art projects from compliance with all applicable federal, state, and local laws including, but not limited to, land development regulations and building code compliance.~~

2.17.170 Development of guidelines

~~The Commission shall have the ability to establish further guidelines concerning its operations; however, only the criteria and processes of this ordinance will be legally binding.~~

2.17.180 Creation, funding and use of Ashland public art account

~~**A. Establishment.** The Council hereby establishes a separate account entitled the Ashland public art account to be reflected in the city budget. All funds donated, appropriated or generated for the purpose of public art acquisition and education shall be deposited in this account and used solely for such purposes, in accordance with this article and other applicable law. Funds generated pursuant to the Commercial Development Fee in lieu established in Chapter 18, as well as the Transient Occupancy Tax Resolution authorized in Chapter 4.24, and the Percent for Art dedication in this section shall all be deposited into the Ashland Public Art Account.~~

~~**B. Permitted Purposes of Public Art Account.** The public art account shall be used solely for the acquisition, placement, maintenance, and removal of artworks for inclusion in the Ashland Public Art Collection and for art education purposes, such as community outreach presentations and workshops, in accordance with the provisions of this article and other applicable law.~~

~~**C. Requirement for Dedication of a Percent for Art.** Any city official or employee who authorizes or appropriates expenditures on behalf of a participating department for a city project shall, to the degree that there are eligible funds, include within the budget for the project a monetary contribution for the public art account equal to one-half percent (0.5%) of the total cost of the project.~~

~~1. One-half percent (0.5%) of the total cost of a qualifying city project shall be dedicated to the public art account. Such funds shall be deposited into the public art account by the city official or employee acting on behalf of the participating department no earlier than the time that budgeted funds are encumbered for construction of the city project and no later than final inspection of the completed city project.~~

~~2. The participating department shall consider the siting of public art as part of the design and engineering phase of any city project. If costs are incurred by the participating department to comply with this article requirement prior to transfer of the one-half percent (.5%) dedication for the city~~

~~project to the public art account, the participating department may deduct such costs (not to exceed one-half percent) from the one-half percent (.5%) dedication at the time such funds are transferred.~~

~~D. Restricted Funds. If funding for a particular city project is subject to legal restrictions that preclude public art as an object for expenditure, the portion of the city project that is funded with the restricted funds shall be exempt from the dedication requirements of this article.~~

~~E. Phased Projects. As a general rule, where a city project will be constructed in phases, the one-half percent (0.5%) dedication shall be applied to the estimated total cost of each phase of the city project at the time that funds for the phase are appropriated and encumbered. However, nothing in this section prevents the Council from deciding to hold or set aside all or part of the entire dedication from the funds of a particular phase, as the Council deems appropriate. In determining when to hold or set aside the funds for a phased project, the city will consider an overall public art plan for the project to ensure that art is not located on a piecemeal basis with phase construction.~~

~~F. Monetary contributions for public art shall be deposited in separate accounts within the public art account if separate accounting is deemed appropriate by the Administrative Services Director (Finance) or is required by law.~~

~~G. Monetary contributions or appropriations made other than through the percent for art program shall be deposited in the public art account and may be dedicated to or earmarked for a specific education program or work of art, subject to acceptance by the Council.~~

~~H. Disbursements from the public art account shall be made only after authorization of the City Administrator or the Administrative Services Director (Finance), and shall be made according to this article and other applicable city ordinances, including but not limited to the public contracting code (AMC Chapter 2.50).~~

~~I. The Council may adopt by resolution case specific waivers or guidelines for administration of the percent for art program, including case-by-case waivers of the required dedication set forth herein based on the availability of public funds, as well as any other matters not specifically addressed herein and appropriate or necessary to the administration of the program.~~

SECTION 8. Chapter 2.18, [Conservation Commission], is hereby amended to read as follows:

2.18 Conversation Commission

2.18.010 Established-Membership

The Conservation Commission is established and shall consist of nine **(9)** voting members including one representative of the solid waste franchisee for the city; and one representative from Southern Oregon University; and one representative from the Ashland School District and six (6) other voting members. At least five (5) of the other members shall reside within the city. The commission shall also consist of certain non-voting ex officio members, including the mayor or one council member serving as council liaison, the Department of Community Development Director and the Electric Utility Director, the Director of Public Works, the Building Official and City Administrator. The Electric Utility Director shall serve as the primary staff Liaison and Secretary of the Commission. Voting members shall be appointed by the Mayor with confirmation by the City Council.

~~2.18.020 Terms-Vacancies~~

~~The term of voting members shall be for three years, expiring on April 30 of each year. Any vacancy shall be filled by appointment by the Mayor with confirmation by the City Council for the unexpired portion of the term. The terms of the initial nine members shall be three members for one year, three for two years, and three for three years, which shall be drawn by lot at the first meeting of the commission after the adoption of this resolution. Their successors shall be appointed for three-year terms. Any commissioner who has four or more unexcused absences in a one-year period shall be considered no longer active and the position vacant and a new person shall be appointed to fill the vacancy.~~

~~2.18.030 Quorum-Rules and Meetings~~

~~Five voting members of the commission shall constitute a quorum. If a quorum is present, the affirmative vote of a majority of commissioners present at the meeting and entitled to vote shall be sufficient to conduct business. The commission may make rules and regulations for its meetings and procedures consistent with city ordinances and this resolution, and shall meet at least once every month. At its first meeting, the commission shall elect a chair and vice chair who shall serve for a period of one year or until replaced by the commission.~~

2.18.040 Powers and Duties-Generally

The powers, duties and responsibilities of the commission shall be to educate and advocate for the wise and efficient use of resources by the City of Ashland and all Ashland citizens. In doing so the commission shall recommend to the council the adoption of policies, implementation strategies and funding related to:

- A. Recycling, source reduction and solid waste/landfill issues;
- B. Electric conservation issues;
- C. Water conservation issues;
- D. Resource conservation issues;
- E. New power resource decisions, but not including decisions involving wholesale power contracts;
- F. Renewable resource decisions;
- G. Air quality issues;
- H. Education of citizens about efficiency issues; and

2.18.050 Reports

~~The commission shall submit copies of its minutes to the City Council and shall prepare and submit such reports as from time to time may be requested by the council.~~

2.18.060 Compensation

~~Voting members of the Commission shall receive no compensation for services rendered.~~

SECTION 9. Chapter 2.21, [Cable Access Commission], is hereby amended to read as follows:

2.21 Cable Access Commission

2.21.010 Definitions

~~The following words and phrases whenever used in this chapter shall be construed as defined in this section unless from the context a different meaning is intended.~~

~~A. "Access" or "public access" means that government access channel or channels provided to the City of Ashland by the Cable Company in accordance with Section 26 of Ordinance No. 2258 or the Cable Television Consumer Protection and Competition Act of 1992.~~

~~B. "Commission" means the Ashland Cable Access Commission created by and with authority as delineated by this ordinance.~~

~~C. "RVTV" means Rogue Valley Community Television as administered by the Extended Campus Program of Southern Oregon State College.~~

~~2.21.020 Commission Established, Membership~~

~~A. The Ashland Cable Access Commission is created and shall consist of five members appointed by the Mayor and confirmed by the Council.~~

~~B. The Commission shall also consist of the following ex-officio, non-voting members: the City of Ashland Administrator or designee and a representative of the Southern Oregon State College RVTV staff.~~

~~2.21.030 Terms—Vacancies~~

~~When the first members of the Commission are appointed by the Mayor under Section 2.21.020, two shall be appointed for a term to expire July 1997, two shall be appointed for a term to expire July 1998, and one shall be appointed for a term to expire July 1999. The successors to these positions shall serve terms of three years. Vacancies shall be filled as promptly as possible. Any Commissioner who is absent for two consecutive meetings or four meetings in a one-year period without being excused, shall be considered no longer active and the position vacant.~~

~~2.21.040 Quorum—Rules and Meetings~~

~~A quorum shall exist whenever a majority of the duly appointed voting members are present. A majority of a quorum shall be necessary for the conducting of business at meetings. The Commission shall develop and operate in accordance with appropriate rules and regulations for the conduct of its meetings, and shall meet at least every other month.~~

~~2.21.060 Powers and Duties — Generally~~

~~The Commission shall:~~

~~A. Review, adopt and recommend for City Council approval appropriate guidelines, policies and procedures for public access services through RVTV including use of access facilities. The policies and procedures shall include a dispute resolution process for the public to resolve disputes regarding public access. The Commission shall monitor and assist in, where appropriate, the implementation of these guidelines, policies and procedures.~~

~~B. Monitor, evaluate and make recommendations to the City Council regarding the effectiveness of agreements between the city and Southern Oregon State College or others involving public access programming,~~

~~equipment and facilities.~~

~~C. The Commission shall have the further responsibility to assess whether the public's need for community access programming is being satisfied and to develop long-range plans, strategies, and recommendations for improved community access as it deems necessary.~~

~~D. The Commission shall have the authority to search out grant funds and other sources of revenue for public access, to foster new program development, and to seek additional participants.~~

2.21.070 Appeals

~~Except as provided in this section, a decision of the Commission is final. Provided the petition is filed within 60 days of the decision, any person aggrieved by a decision of the Commission may petition the Ashland City Council to hear an appeal of the decision. The Council may decline to hear the petition. If the Council hears the petition, it shall have the authority to affirm, modify or reverse the decision of the Commission.~~

2.21.080 Reports

~~The Commission shall submit copies of its minutes to the City Council and shall submit such reports as from time to time may be requested by the Mayor and City Council.~~

2.21.090 Compensation

~~Voting members of the Commission shall receive no compensation for services rendered. The Commission may receive grants, gifts, bequests or devises of property to carry out any of the purposes of this Chapter which shall be placed in a special account for the use of the Commission.~~

SECTION 10. Chapter 2.24, [Historic Commission], is hereby amended to read as follows:

2.24 Historic Commission

2.24.010 Established - Membership

There is established a Historic Commission which will consist of nine (9) voting members, and certain non-voting ex officio members including the Chairperson of the Planning Commission, a representative from the Ashland City Council, and a representative of the Ashland Building Division.

2.24.020 Term – Vacancies

~~The members shall be appointed by the Mayor, with confirmation by the City Council, for three (3) year terms.~~

~~Initially, three (3) members shall be appointed to terms expiring on December 31, 1975, three (3) for terms expiring December 31, 1976, and three (3) for terms expiring December 31, 1977. (Ord. 2423A changed expiration dates to April 30th of the next year beginning for terms ending in 1989.)~~

~~Their successors shall be appointed to three (3) year terms.~~

~~Any Commissioner who is absent from four (4) or more meetings in a one-year period without being excused, shall be considered no longer active and the position vacant, and a new Commissioner shall be appointed to fill the vacancy. (Ord. 2423-A S4, 1989; Ord. 2534, 1989)~~

2.24.030 Quorum – Rules and Regulations

~~Five (5) voting members of the Commission shall constitute a quorum.~~

~~At its first meeting of the year the Commission shall elect a Chair, Vice-Chair and Secretary, who shall hold office at the pleasure of the Commission. The Commission may make rules and regulations for its government and procedure, consistent with the laws of the State and City Charter and Ordinances and shall meet at least once a month on the first Wednesday at 7:30 P.M. in the Ashland Community Center, Ashland Oregon.~~

2.24.040 Powers and Duties - Generally

The powers, duties, and responsibilities of the Historic Commission shall be as follows:

- A. To survey and recommend to the City Council, areas or properties of significant historical value and interest to be designated historical properties;
- B. To draft and recommend ordinances and other measures designed to protect and foster interest in the improvement of designated historical properties;
- C. To review literature and sources of funding concerning the protection and improvement of designated historic properties;
- D. To review and make recommendations concerning the improvement of designated historic properties in connection with the issuance of building permits,

zone changes, conditional use permits, variances, sign permits, and site reviews;

E. To review and recommend project applications for funding;

F. To promote public support in the preservation of Ashland's historic past;

G. Advise citizens on aesthetic standards for historic areas.

2.24.050 Reports

~~The Commission shall submit copies of its minutes to the City Council and Planning Commission and shall prepare and submit such reports as from time to time may be requested of them by the Mayor and City Council and the Planning Commission.~~

2.24.060 Compensation

~~Voting members of the Commission shall receive no compensation for services rendered. The Commission may receive gifts, bequests or devises of property to carry out any of the purposes of this Chapter, which shall be placed in a special fund for use of said Commission.~~

SECTION 11. Chapter 2.23, [Ashland Airport Commission], is hereby amended to read as follows:

2.23 Ashland Airport Commission

2.23.010 Established – Membership

There is ~~hereby~~ established an Ashland Airport Commission which shall consist of nine (9) voting members, ~~one (1) of which shall be the Council person appointed by the Mayor as liaison to the Commission,~~ and two one (1) (2) non-voting ex officio members who shall be the Director of Public Works and the Council person appointed by the Mayor as liaison to the Commission. ~~The voting members shall be appointed by the Mayor, with confirmation by the City Council.~~

2.23.015. Qualifications. In making the appointments, the Mayor and Council shall appoint members such that the majority of the Commission has either education, training, experience or other expertise in airports, aircraft, aeronautics or engineering. A member shall not be disqualified for purposes of appointment or official action simply by being a member of a class of airport users, including but not limited to pilots, airplane owners or airport lease holders.

2.23.020 Term – Vacancies

~~The term of eight of the voting members shall be for three (3) years expiring on April 30 of each year. The term of the Council liaison person shall be for one (1) year. Any vacancy shall be filled by appointment by the Mayor, with confirmation by the City Council, for any unexpired portion of the term. The terms of the initial eight members shall be two for one (1) year, three for two (2) years, and three for three (3) years, which shall be drawn by lot at the first meeting of the Commission after the adoption of this chapter. Their successors shall be appointed to three (3) year terms. Any Commissioner who is absent from four (4) or more meetings in any one calendar year, without being excused, shall be considered no longer active and the position vacant, and a new Commissioner shall be appointed to fill the vacancy.~~

~~2.23.030 Quorum – Rules and Meetings~~

~~Five (5) voting members of the Commission shall constitute a quorum. The Commission may make rules and regulations for its government and procedure, consistent with the laws of the State and City Charter and shall meet at least once every thirty (30) days.~~

~~2.23.040 Powers and Duties – Generally~~

The powers and duties of the Ashland Airport Commission shall be as follows:

- A. To advise the Mayor and City Council on all matters relating to the management, operation, and further development of the Ashland Airport.
- B. To investigate Federal, State, County, and private funding for airport improvements in relation thereto the requirement of City participation in financing.
- C. To review and recommend project applications for funding to the City Council.

~~2.23.050 Reports~~

~~The Commission shall submit copies of its minutes to the City Council and shall prepare and submit such reports as from time to time may be requested by the Mayor and City Council.~~

~~2.23.060 Compensation~~

~~Voting members of the Commission shall receive no compensation for services rendered. The Commission may receive gifts, bequests, or devises of property to carry out any of the purposes of this Chapter, which shall be segregated from other funds for use by said Commission with the approval of the City Council.~~

SECTION 12. Chapter 2.25, [Tree Commission], is hereby amended to read as follows:

2.25 Tree Commission

2.25.005 Purpose - The Tree Commission shall provide advice and guidance to commissions, the Council and city departments on all tree-related matters and to involve citizens in protecting Ashland's urban forest.

2.25.010 Established - Membership

The Tree Commission is hereby established ~~to provide advice and guidance to commissions, the Council and city departments on all tree-related matters and to involve citizens in protecting Ashland's urban forest. The Commission shall consist of the actual number of current sitting Commission members appointed by the Mayor and confirmed by the City Council pursuant to AMC Section 2.25.020, but in no case and~~ shall consist of no ~~there be~~ less than five members nor more than seven voting members. There shall also be ~~and~~ three non-voting ex officio members consisting of a member of the City Council, a representative of the Community Development Department and a representative of the Parks and Recreation Department. ~~The voting members shall be appointed by the Mayor with confirmation by the City Council.~~

2.25.020 Term - Vacancies

~~The term of a voting Commissioner shall be for three years. Any vacancy shall be filled by appointment of the Mayor with confirmation by the City Council for the unexpired portion of the term. Any Commissioner with four or more unexcused absences from meetings in a one-year period shall be considered no longer active and the position vacant and a new Commissioner shall be appointed to fill the vacancy.~~

2.25.030 Quorum - Rules and Meetings

Notwithstanding any other provision of this code, a ~~A~~ quorum shall be defined as one-half the number of sitting Commissioners, plus one, but in no case less than three. ~~If there is no quorum, no official Commission business shall be conducted and all matters advertised shall automatically be continued to the next regularly scheduled meeting. The Commission may make rules and regulations for its meetings and procedures consistent with city ordinances, and shall meet at least once every month. At its first meeting of each year the Commission shall elect a Chair, a Vice Chair~~

2.25.040 Powers and Duties - Generally

The powers, duties and responsibilities of the Tree Commission shall be as follows:

1. To act in an advisory capacity to the Planning Commission, City Council and Planning Department Staff Advisor in the administration of the land-use planning process, with respect to tree science and requirements, landscape design and principles, locally suitable botanic species and protection of natural resources. Failure to make a recommendation on any individual planning action shall not invalidate the action.
2. To develop and recommend to the City Council for its adoption ordinances and policies for the planting, care and protection of trees throughout the City and to make amendments as required to AMC 18.61.
3. To act in an advisory capacity to the City Administrator and to all City departments regarding tree protection, maintenance, removal or any related issues in the City and on all City properties.
4. To develop and recommend to the Planning Commission and the City Council for their review and adoption a city-wide tree monitoring and maintenance plan for long-term tree care, including irrigation, pruning and other annual activities. Copies of the plan shall be kept in the Office of the City Recorder and the Community Development Department for public review.
5. To develop and recommend to the City Council for its adoption a master list of street trees suitable for planting along city streets, a copy of which shall be kept on file by the Office of the City Recorder and the Community Development Department as well as made available on the internet. The list shall be updated and reviewed as required.
6. To educate the citizenry and to promote public knowledge and understanding of the benefits of appropriate tree planting and care.
7. To facilitate an inventory of existing trees, including historical or significant trees; to identify publicly owned properties in need of sustainable tree-planting or landscaping; and to submit recommendations regarding such enhancement of public lands and rights-of-way and to present reports of such inventories, at the request or direction of Council.

2.25.050 Reports

~~The Commission shall submit copies of its minutes to the City Council and shall prepare and submit such reports as from time to time may be requested of them by the City Council or the Planning Commission.~~

2.25.060 Donations

~~Subject to the formal acceptance by the City Council, the Commission may receive gifts, bequests or other devices of property in the name of the City to carry out any of the purposes of this Chapter, which shall be placed in a special account for use at the discretion of the Commission. Penalty or mitigation fees as described in 18.61.030, C and authorized by City Council may also be placed in such account.~~

SECTION 13 A new AMC Chapter 2.22, [Building Board of Appeals], is hereby added from deleted / moved sections of AMC Chapter 15 to read as follows:

2.22 Building Board of Appeals

2.2.010 Established Membership

There is established a Building Board of Appeals consisting of six (6) voting members, including one planning commission member, who are qualified by experience and training to pass upon matters pertaining to building related activities and the demolition and relocation of buildings. Qualified experience and training includes but is not limited to the following: general contractor, engineer, architect, electrician, plumber, heating and air conditioning, sign installation or building construction. In addition, at least one member shall also have experience, knowledge or an interest in demolition-debris recycling. The Building Official shall be an ex officio non-voting member and shall act as Secretary of the Board, except that the Building Official shall not serve as an ex-officio member for appeals of Administrative Penalties.

2.25.040 Powers and Duties - Generally

In a properly filed appeal pursuant to AMC Chapter 15, the Building Board of Appeals shall have the following powers, duties and responsibilities:

- A. to determine the suitability of alternate materials and methods of construction;**
- B. to provide for reasonable interpretations of the provisions of standards applicable to building and related activities administered through this city;**
- C. to consider appeals as the Demolition Review Committee;**
- D. to hear appeals of the imposition of Administrative Penalties**
- E. to hear appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code.**

The Board shall adopt reasonable rules and regulations for conducting its investigations and appeals and shall render all decisions and findings in writing. The Board, with the consent of the Community Development Director, may hire a hearings officer to conduct appeal hearings when necessary and provide a recommended disposition to the Board .

SECTION 14 AMC Chapter 2.56, [City Band], is hereby amended to read as follows:

2.56 City Band

2.56.010 Band Board Established Membership

The Ashland Band Board is established and shall consist of six voting members appointed by the mayor with confirmation by the council. The board shall also consist of one non-voting ex officio member, who shall be the director of the band.

2.56.015 Band Board Terms Vacancies

~~The term of voting members shall be for three years, expiring on April 30 of each year. The members serving on the band board as of September 1998 shall serve until April 30, 1999. Any vacancy shall be filled by appointment by the mayor with confirmation by the city council for the unexpired portion of the term. The terms of the six members appointed to succeed those members whose terms expire in April 1999 shall be staggered in the following manner: Two members shall be appointed for one year, two members for two years, and two members for three years. The length of the initial terms for these six members shall be determined by the mayor at the time of appointment. Their successors shall be appointed for three-year terms. Any board member who is absent from four or more meetings in a one-year period shall be considered no longer active and the position vacant, and a new person shall be appointed to fill the vacancy.~~

2.56.020 Quorum Rules and Meetings

~~Four voting members of the board shall constitute a quorum. If a quorum is present, the affirmative vote of a majority of members present at the meeting and entitled to vote shall be sufficient to conduct business. The board may make rules and regulations for its meetings and procedures consistent with city ordinances, and shall meet as necessary but not less than once per year. At its first meeting, the board shall elect a chair, who shall preside over all meetings and perform such other duties as may be necessary for the administration of the band, band board and this chapter. A vice-chair shall also be elected who shall serve in the absence of the chair.~~

2.56.025 Powers and Duties Generally

The powers, duties and responsibilities of the Ashland Band Board shall be as follows:

- A.** General supervision and control over the Ashland City Band.
- B.** ~~When requested, report Report~~ at least annually to the mayor and city council of the activities of the band.
- C.** On or prior to December 15 of each year, report to **City Administrator** ~~the mayor~~ as to the activities and welfare of the band.
- D.** Determine compensation for the band director and members in accordance with the band's approved budget.

2.56.030 Director Appointment, Duties, Compensation

~~A. Prior to January of each year, after receiving the report of the band board under section 2.56.025, the mayor, with confirmation by the council, Upon recommendation of the Band Board, the City Administrator shall appoint a band director, who shall serve at the pleasure of the mayor.~~

- B.** The director shall:
 - 1.** Promote, organize and direct the Ashland City Band;
 - 2.** Select the musicians for the band,
 - 3.** Appoint a band secretary who shall keep minutes of all band board meetings, records of the organization and shall particularly keep a careful and accurate record of attendance by all members. The secretary shall serve at the pleasure of the director and perform such other duties as may be assigned by the director.
 - 4.** Appoint a band librarian, who shall have charge of and shall carefully keep all the sheet music now owned or hereafter acquired by band. The librarian shall keep proper and complete records of all property placed in the librarian's custody and shall make a proper inventory and accounting thereof at the end of the year. The librarian shall serve at the pleasure of the director and perform such other duties as may be assigned by the director.
 - 5.** Appoint a quartermaster who shall have charge of and shall carefully keep all band uniforms and other property which is now owned or may hereafter be acquired by the band. The quartermaster shall serve at the pleasure of the director and perform such other duties as may be assigned by the director.
 - 6.** Perform such other services as may be reasonably requested by the band board

2.56.040 Budget

Prior to the preparation of the City budget each year, the band board shall cause a careful estimate to be made of the band's needs for the ensuing year in view of the funds to be available and shall submit same to the director of finance for

consideration with the other budgetary matters. Through the city's budget process, the City Council shall fix and determine the Band's budget for the ensuing year.

2.56.060 Performances

The City Band shall present not less than ten concerts, including the Fourth of July parade, during each summer season.

SECTION 15. Continuation of Existing Appointments and Savings Clause.

Notwithstanding any other provision of this Ordinance, currently seated Commission, Committee and board members, (voting and non-voting), as well as Liaisons, appointed under authority of prior Code, Ordinance or Resolution or shall remain seated and shall be considered appointed for purposes of this ordinance in accordance with original term expirations as they currently exist. Members who have abandoned their position due to unexcused absences in accordance with prior ordinance or resolutions provisions shall not be excused or saved by this Section. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal, civil, or administrative enforcement actions or other applications or actions were commenced shall remain valid and in full force and effect for purposes of all cases, applications or action filed or commenced during the times said ordinances resolutions or Code provisions were operative. This section simply clarifies the existing situation that nothing in this ordinance affects the validity of prosecutions, applications or actions commenced and continued under laws in effect at the time the matters were originally filed.

SECTION 16. Repeal. Resolution No. 1995-25 is hereby repealed.

SECTION 17. Repeal. Resolution No.1996-18 is hereby repealed.

SECTION 18. Repeal. Resolution No. 2007-15 is hereby repealed.

SECTION 19 Repeal. Resolution No. 2008-024 is hereby repealed.

SECTION 20 A Section 15.04.200 [Board of Appeals], is hereby amended to read as follows:

15.04.200 Board of Appeals –Appeal Procedure

~~In order to determine the suitability of alternate materials and methods of construction, to provide for reasonable interpretations of the provisions of standards applicable to building and related activities administered~~

through this city and to consider appeals as the Demolition Review Committee, there is created a Board of Appeals consisting of six voting members, including one planning commission member, who are qualified by experience and training to pass upon matters pertaining to building related activities and the demolition and relocation of buildings. At least one member shall also have experience, knowledge or an interest in demolition-debris recycling. The Building Official shall be an ex officio non-voting member and shall act as Secretary of the Board. The board shall adopt reasonable rules and regulations for conducting its investigations and appeals and shall render all decisions and findings in writing. The decision and findings shall be mailed to all persons who appeared before the Board. The administrator of the State Building Codes Division shall be furnished copies of decisions interpreting state building code requirements.

Except for the planning commission member who shall be selected by the chair of the planning commission, members shall be appointed by the mayor, with confirmation by the council. All members shall serve terms of three years, expiring on April 30 of each year. The two members who have served on the Board for the longest period as of December 31, 2001, shall continue to serve until April 30, 2002. The two members who have served on the Board for the next longest period as of December 31, 2001, shall continue to serve until April 30, 2003. The member serving on the Board the least period of time as of December 31, 2001, shall continue to serve until April 30, 2004. The initial term of the planning commission member shall expire on April 30, 2004. Any vacancy shall be filled by appointment by the mayor with confirmation by the city council for the unexpired portion of the term. A member is eligible for reappointment.

A Appeal Procedure. Any: (a) final decision relating to the suitability of alternate materials and methods of construction or (b) final decision of the demolition review committee or (c) an interpretation or final decision by the building official, including the imposition of administrative penalties, with regard to the City of Ashland Building Code may be appealed to the Building Board of Appeals in conformance with procedures provided in the applicable section of the building code. Appeals shall be filed in the City Administration offices by the deadline. An appeals shall include the applicable appeal fee or deposit as applicable. Failure to strictly comply with the applicable appeal requirements, including but not limited to time for filing and payment of the applicable appeal fee, if any, shall be a jurisdictional defect and shall subject the appeal to summary dismissal in accordance with subsection (2) of this section. When the specific applicable code does not contain an appeal timeframe, the time to appeal a decision (including administrative penalty) or interpretation shall be 15 days, unless an order to vacate has been posted, in which case it shall be within 10 days. The board of appeals may charge an unsuccessful

appellant the cost of the appeal, including the cost of a hearing officer, if the board makes findings that the appeal is frivolous and either finds against the appellant after a hearing or dismisses the appeal. Failure to pay the costs within 60 days of receipt of said billing shall result in a lien on the appellant's property.

B. Scheduling. The building official shall schedule a meeting of the board within 30 working days of the filing of the appeal. The board of appeals shall determine at this meeting whether to grant a hearing or dismiss the appeal. The appeal shall be dismissed if the board finds that the appeal does not meet the criteria in subsection (1) of this section. If the appeal is dismissed, the building official's decision is final. The hearing shall be held as soon as reasonable, after the board meeting. The decision and findings shall be mailed to all persons who appeared before the Board. The Administrator of the State Building Codes Division shall be furnished copies of decisions interpreting state building code requirements.

SECTION 21. A Section 15.04.230 [Violation-Penalty], is hereby amended to read as follows:

15.04.230 Violation – Penalty

~~It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City or cause the same to be done contrary to or in violation of any of the provisions of this title.~~

~~Any person, firm or corporation violating any of the provisions of this title shall be deemed guilty of an offense and each such person shall be deemed guilty of separate offense on each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continue or permitted and upon conviction of any such violation such person shall be punished as prescribed in Section 1.08.020.~~

SECTION 22. A Section 15.04.260 [Violation-Penalty], is hereby added to read as follows:

15.04.260 Violation / Administrative Penalty

A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City or cause the same to be done contrary to or in violation of any of the provisions of this title.

B. The Building Official, and his/her designee is specifically authorized to impose a civil penalty for any violation of the Building Code, including an order of the Building Official to remedy such violation. The civil penalty shall be served in a "Notice and Order Imposing the Civil Penalty" for the violation. The Notice shall:

1. Describe the alleged violation, including any relevant code provision numbers, ordinance numbers or other identified references; and

2. State that the City of Ashland intends to assess a civil penalty for the violation and states the amount of the civil penalty; and

3. State that the party may challenge the civil penalty by filing an notice of appeal to the Building Board of Appeals within 15 days of service of the Notice as provided in AMC Chapter 15.

C. The civil penalty may not exceed the maximum civil penalty amount authorized for an equivalent specialty code violation under ORS 455.895, subject to the limitations in the Ashland City Charter. Any person, firm or corporation violating any of the provisions of this title shall be deemed guilty of an offense and each such person shall be deemed guilty of separate offense on each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continue or permitted and upon conviction of any such violation. The civil penalties provided herein are in addition to and not in lieu of any other remedy for enforcement available to the City including but not limited to increased permit or investigative fees, injunctive relief or any other remedy.

SECTION 23 A new AMC Chapter 2.29, [Public Art], is hereby added from deleted / moved sections of revised Chapter 2.17 to read as follows:

2.29 Public Art.

2.29.005 Definitions

A. "Acquisition" means the inclusion of an artwork in the Ashland Public Art Collection by any means including direct purchase, commission or acceptance of a gift.

B. "Artwork" means visual works of public art as defined herein.

C. "Ashland Public Art Collection" means all public art acquired by the City by any means.

D. "Capital improvement program (CIP)" means the city' s program for advance planning of capital improvements.

E. "City project" or "project" means any capital improvement project in an amount over \$25,000 paid for wholly or in part by the city of Ashland to purchase or construct any public building, decorative or commemorative public structure, sidewalk, or multi-use pathway construction, park facility construction, or any portion thereof, within the limits of the city of Ashland. "City project" or "project" does not include public utility improvements, (e.g. electric, water, sewer, or stormwater), LID improvements, including but not limited to streets, sidewalks and associated improvements, property acquisition, earth work, emergency work, minor alterations, rehabilitation, minor or partial replacement, remodeling or ordinary repair or maintenance necessary to preserve a facility. Notwithstanding the above limitation, the Council or responsible contracting officer may include any new city street or utility project (limited to water, sewer and storm water projects) in an amount over \$25,000 as a city project under this article, by either vote of the Council or inclusion in the contract solicitation documents prepared by the responsible contracting officer.

F. "Commission" means the Ashland Public Arts Commission created by AMC 2.17.010, consisting of seven members appointed by the mayor and confirmed by the Council.

G. "Eligible funds" means a source of funds for projects from which art is not precluded as an object of expenditure.

H. "Participating department" means the department that is subject to this article by its sponsorship of a city project.

I. "Percent for art" means the program established by this article to set aside a percentage of the total cost of city projects for public art.

J. "Public art" means all forms of original works of art in any media that has been planned and executed with the specified intention of being sited or staged on City Property or on property owned or controlled by the City of Ashland, usually outside and accessible to the public.

K. "Public art account" means the city of Ashland public art account in the city budget established by this article into which all moneys donated, appropriated or derived pursuant to the percent for art program shall be deposited. Funds within the public art account shall be utilized for the purposes outlined in this article.

L. "Removal" means the exclusion of an artwork from the Ashland public art collection by the removal and disposal through any available means, such as relinquishing title through sale, gift or destruction.

M. "Selection Panel" means a group of individuals selected by the Commission that will evaluate the proposals associated with a particular project in a public meeting.

N. "TOT Funds" means the portion of transient occupancy tax funds allocated for public art.

O. "Commercial Development Fee" means funds deposited by a commercial developer into the Public Art account when the developer prefers not to incorporate public art into the project and follow the public art process for art acquisition and approval.

P. "Total cost" means the entire amount of the city' s financial contribution toward construction and maintenance of a project.

2.29.100 Process for acquiring public art

A. General. The Public Art Commission will call for entries by issuing a request for proposal, a request for qualification or by invitation. The call for entries will include specific guidelines and criteria for the specific project. Every call for entry must comply with the City' s public contracting rules.

1. Acquisition. Acquisition of public art will generally result from:

a. The commissioning or purchasing of a work of public art by the city using city funds or donated funds, in accordance with public contracting laws and AMC Chapter 2.50; or

b. An offer made to the city to accept a work of public art as a gift, donation, or loan.

2. Removal. Removal of public art may be by request or owing to some damage or destruction of the artwork.

B. Selection Panel. A selection panel, separate from the Public Art Commission, consisting of art professionals and enthusiasts, residents near the proposed site, community members, and city administrators will be chosen to evaluate the proposals received from artists. A different selection panel shall be chosen for each

project by the Commission after the following notifications have been made:

1. An ad is placed in a newspaper of general circulation in the city,
2. Postcards are sent out to all property owners located within 300 feet of the proposed site, and
3. A notice is placed on the city' s website.

The Commission shall pick the Selection Panel by examining applications received from interested parties.

C. Evaluation of Acquisition Proposals. Proposals which meet the minimum requirements set forth in the call for entries will be given to the Selection Panel for review. The proposals for acquisition shall be evaluated based upon criteria set forth in the call for entries at a public meeting. The Selection Panel will evaluate the proposals and make a recommendation to the Public Art Commission regarding which proposals to accept. The Commission shall forward that recommendation to the City Council for final selection. This ordinance does not exclude land use approval processes when required for the use or structure.

D. Removal and Disposal Process. Except as provided in AMC 2.29.140(B), neither the Council nor the Commission is bound to follow any particular process for removal and disposal of art in the Ashland Public Art Collection.

2.29.110 Review process for gifts or donations

The Commission may solicit gifts and bequests of public art or funds to benefit the Ashland Public Art Collection. The Council shall decide whether to accept all such gifts of art work on behalf of the city and the Ashland Public Art Collection on its own motion or upon a recommendation by the Commission based on its own evaluation, or by recommendation of the Commission after the Selection Panel has evaluated the artwork using the guidelines in AMC 2.29.130 and the total cost over the life of the artwork.

All art works or funds shall be administered by the city in accordance with its terms. Funds donated to the Commission shall be placed in a special account to be used exclusively for the purposes of the Commission or as designated by the donor. Funds in this account may only be expended after they have been properly budgeted or approved by the city.

2.29.120 Public Art on Private Property

Before public art can be placed on private property the Commission shall determine whether the site is appropriate for public art under the Site Selection criteria in AMC 2.29.130. If the site is found to be appropriate for public art, the City shall secure authorization to use and access the private property where the public art will be located before the acquisition process for public art is initiated. There shall be a written agreement or legal instrument, granting the City permission and control of the property so that the property can be used for public art purposes, including access for installation, maintenance and removal of the artwork. Public art can then be acquired for placement on private property by following the process for:

A. Acquisition in AMC 2.29.100, or

B. Gifts and donations in AMC 2.29.110.

2.29.130 Guidelines for recommendation by the Commission

A. Selection Guidelines for Works of Public Art.

1. Quality. The artwork should be of exceptional quality and enduring value.

2. Site. The artwork should enhance the existing character of the site by taking into account scale, color, material, texture, content, and the social dynamics of the location.

3. History and Context. The artwork should consider the historical, geographical, and cultural features of the site, as well as the relationship to the existing architecture and landscaping of the site.

4. Initial Cost. The total cost of the artwork, including all items related to its installation, should be considered.

5. Maintenance and Durability. The durability and cost to maintain the artwork should be considered and quantified, particularly if the work is servicing, repainting, repairing or replacement of moving parts.

6. Permanence. Both temporary and permanent art works shall be considered.

7. Media. All forms of visual media shall be considered, subject to any requirements set forth by city ordinance.

8. Public Liability. The artwork should not result in safety hazards, nor cause extraordinary liability to the city.

9. Diversity. The artwork in the Ashland Public Art Collection should encourage cultural diversity.

10. Commercial Aspect. The artwork shall not promote goods or services of adjacent or nearby businesses.

11. Compliance. Artworks shall not violate any federal, state, or local laws, including specifically AMC Chapter 18.96.

B. Guidelines for Site Selection.

1. Ownership or Control. Public art should be placed on a site owned or controlled by the city, or there should be a written agreement or legal instrument, granting the City permission to use the property for public art purposes, including access for installation, maintenance and removal.

2. Visual Accessibility. Public art should be easily visible and accessible to the public.

3. Visual Enhancement. Public art should visually enhance the overall public environment and pedestrian streetscape.

4. Pedestrian Accessibility. Public art should experience high levels of pedestrian traffic and be part of the city's circulation paths.

5. Circulation. Public art should not block windows, entranceways, roadways or obstruct normal pedestrian circulation or vehicle traffic.

6. Scale. Public art should not be placed in a site where it is overwhelmed or competing with the scale of the site, adjacent architecture, large signage, billboards, etc.

2.29.140 Standards for the Ashland Public Art Collection

A. Acquisitions. The following minimum standards and criteria shall apply to the acquisition of artworks.

1. Artworks may be acquired by direct purchase, commission, gift or any other means.

2. Acquisition, whether by direct purchase, commission, gift, or otherwise, shall occur by a legal instrument of conveyance or other writing transferring title of the artwork to the City and clearly defining the rights and responsibilities of all parties.

3. The city shall obtain the rights of ownership and possession without legal or ethical restrictions on the future use of the artwork upon final acceptance of the artwork, except where expressly provided in the contract with the artist. The artists shall retain all rights and interests in the artwork except for the rights of ownership and possession.

4. The City shall only acquire artworks if: 1) the artist warrants that he will not make a duplicate of the artwork, or permit others to do so, without written permission by the City, and 2) the artist gives permission to the City to make a two-dimensional reproductions as long as all such reproductions provide the copyright symbol, name of the artist, title of the artwork, and the date of completion.

5. Complete records, including contracts with artists, shall be created and maintained for all artworks in the Ashland Public Art Collection.

B. Removal.

1. The Commission may recommend removal and/or disposal based on one or more of the following conditions. No public hearing is required for a removal recommendation.

a. The site for an artwork has become inappropriate because the site is no longer accessible to the public or the physical site is to be destroyed or significantly altered.

b. The artwork is found to be forged or counterfeit.

c. The artwork possesses substantial demonstrated faults of design or workmanship.

d. The artwork causes excessive or unreasonable maintenance.

e. The artwork is damaged irreparably, or so severely that repair is impractical.

f. The artwork presents a physical threat to public safety.

g. The artwork is rarely displayed.

h. A written request for removal has been received from the artist.

2. Council Removal Process.

a. On its own motion, or following receipt of a recommendation from the Commission the Council may remove and dispose of any artwork previously accepted into the Ashland Public Art Collection in their sole discretion.

b. Acceptance or placement of donated art by the city does not guarantee continuous public display of the artwork regardless of physical integrity, identity, authenticity, or physical condition of the site.

c. Removal officially deletes the work from the city of Ashland Public Art Collection by a relinquishment of title to the artwork; thus, eliminating the city's obligation to maintain and preserve the artwork.

d. Notwithstanding the above, Artwork shall be disposed of in accordance with any specific terms for removal and disposal set forth in the contract with the Artist.

3. Removal and Disposal.

a. The city may donate the artwork to another governmental entity or a nonprofit organization.

b. A work that is deemed to have retained sufficient monetary value to warrant resale, shall be disposed of through a public sale, auction, or any other means as established by city ordinance.

c. Artworks removed from the Ashland Public Art Collection may be disposed of through any appropriate means, including the city's procedures for the disposition of surplus property.

C. Borrowing of Artworks.

- 1. The Commission may also recommend artworks be borrowed.**
- 2. With the exception of ownership, the eligibility, review criteria, and procedure for borrowed works shall be the same as those established in this article for acquisition.**
- 3. The borrowing of artworks shall be pursuant to written agreement between the city and the artist.**
- 4. Nothing herein prohibits the city from securing other works of art or art exhibitions for display inside its facilities.**

2.29.150 Maintenance of the Ashland Public Art Collection

A. Except where expressly provided in a contract or warranty for public art the city shall be responsible for all maintenance of all artworks in the Ashland Public Art Collection.

B. Within the limitation of the city budget the city shall provide necessary and appropriate maintenance of the Ashland Public Art Collection, including, but not limited to, regular custodial care and landscape maintenance. Maintenance shall be performed in accordance with any special instructions or procedures necessary for the preservation of the work.

C. Any evidence of damage, deterioration, vandalism or theft of artworks in the Ashland Public Art Collection shall be immediately reported to the appropriate City Department. City staff shall keep the Commission and Council informed of damage to City property.

2.29.160 Parks commission

The standards and procedures in this article are in addition to, not in derogation of, the Ashland parks commission review responsibilities for projects proposed in city parks. Nothing herein exempts public art projects from compliance with all applicable federal, state, and local laws including, but not limited to, land development regulations and building code compliance.

2.29.170 Development of guidelines

The Commission shall have the ability to establish further guidelines concerning its operations; however, only the criteria and processes of this ordinance will be legally binding.

2.29.180 Creation, funding and use of Ashland public art account

A. Establishment. The Council hereby establishes a separate account entitled the Ashland public art account to be reflected in the city budget. All funds donated, appropriated or generated for the purpose of public art acquisition and education shall be deposited in this account and used solely for such purposes, in accordance with this article and other applicable law. Funds generated pursuant to the Commercial Development Fee in lieu established in Chapter 18, as well as the Transient Occupancy Tax Resolution authorized in Chapter 4.24, and the Percent for Art dedication in this section shall all be deposited into the Ashland Public Art Account.

B. Permitted Purposes of Public Art Account. The public art account shall be used solely for the acquisition, placement, maintenance, and removal of artworks for inclusion in the Ashland Public Art Collection and for art education purposes, such as community outreach presentations and workshops, in accordance with the provisions of this article and other applicable law.

C. Requirement for Dedication of a Percent for Art. Any city official or employee who authorizes or appropriates expenditures on behalf of a participating department for a city project shall, to the degree that there are eligible funds, include within the budget for the project a monetary contribution for the public art account equal to one-half percent (0.5%) of the total cost of the project.

1. One-half percent (0.5%) of the total cost of a qualifying city project shall be dedicated to the public art account. Such funds shall be deposited into the public art account by the city official or employee acting on behalf of the participating department no earlier than the time that budgeted funds are encumbered for construction of the city project and no later than final inspection of the completed city project.

2. The participating department shall consider the siting of public art as part of the design and engineering phase of any city project. If costs are incurred by the participating department to comply with this article requirement prior to transfer of the one-half percent (.5%) dedication for the city project to the public art account, the participating department may deduct such costs (not to exceed one-half percent) from the one-half percent (.5%) dedication at the time such funds are transferred.

D. Restricted Funds. If funding for a particular city project is subject to legal restrictions that preclude public art as an object for expenditure, the portion of the city project that is funded with the restricted funds shall be exempt from the dedication requirements of this article.

E. Phased Projects. As a general rule, where a city project will be constructed in phases, the one-half percent (0.5%) dedication shall be applied to the estimated total cost of each phase of the city project at the time that funds for the phase are appropriated and encumbered. However, nothing in this section prevents the Council from deciding to hold or set aside all or part of the entire dedication from the funds of a particular phase, as the Council deems appropriate. In determining when to hold or set aside the funds for a phased project, the city will consider an overall public art plan for the project to ensure that art is not located on a piecemeal basis with phase construction.

F. Monetary contributions for public art shall be deposited in separate accounts within the public art account if separate accounting is deemed appropriate by the Administrative Services Director (Finance) or is required by law.

G. Monetary contributions or appropriations made other than through the percent for art program shall be deposited in the public art account and may be dedicated to or earmarked for a specific education program or work of art, subject to acceptance by the Council.

H. Disbursements from the public art account shall be made only after authorization of the City Administrator or the Administrative Services Director (Finance), and shall be made according to this article and other applicable city ordinances, including but not limited to the public contracting code (AMC Chapter 2.50).

I. The Council may adopt by resolution case specific waivers or guidelines for administration of the percent for art program, including case-by-case waivers of the required dedication set forth herein based on the availability of public funds, as well as any other matters not specifically addressed herein and appropriate or necessary to the administration of the program.

SECTION 24. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection,

paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 25. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 1, 16- 19, 24 and 25) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2010, and duly PASSED and ADOPTED this _____ day of _____, 2010.

Barbara Christensen, City Recorder

SIGNED and APPROVED this _____ day of _____, 2010.

John Stromberg, Mayor

Reviewed as to form:

Richard Appicello, City Attorney