

ORDINANCE NO. 2020-60

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING SECTION 2.361 OF THE SAN MARCOS CITY CODE RELATING TO THE GENERAL POWERS AND DUTIES OF THE SAN MARCOS ARTS COMMISSION AND RECOMMENDATIONS AND DECISIONS ON FUNDING MADE BY THE SAN MARCOS ARTS COMMISSION; INCLUDING PROCEDURAL PROVISIONS; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Section 2.361 of the San Marcos City Code is hereby amended to expand the categories of art eligible for funding to track the categories authorized by State law. Added text is indicated by underlining and deleted text is indicated by strikethroughs.

Sec. 2.361. - General powers and duties; recommendations and decisions on funding and locations for permanent display art.

- (a) The arts commission will provide oversight for the expenditure of city hotel occupancy tax funds for the promotion of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.
- (b) In consultation with the arts community, the arts commission will develop written guidelines regarding the process for allocation of hotel occupancy tax funds for the arts. In addition, the arts commission will recommend policies to govern placement of temporary and permanent display art on city property for approval by the city council, and the arts commission may adopt procedural guidelines for evaluating temporary and permanent display art.
- (c) At least 50 per cent of the amount of hotel occupancy tax funds allotted by the city council for the arts shall be expended for eligible projects that consist of public art ~~of permanent display art. "Permanent display art" includes sculpture, painting, or similar art work that is intended for permanent display in a public place or public building in the city for a period of more than one year.~~ 'Public art' includes those major art forms listed in part (a) that will enhance the arts and cultural life in San Marcos and encourage tourism to the city. Any such funding remaining unexpended at the end of a fiscal year will be retained in a capital improvement account for future spending for this purpose.
- (d) The arts commission is expressly authorized to:

- (1) Actively solicit interest in the submission of applications from qualified individuals, groups and companies for funding for permanent display art; and
 - (2) Make recommendations to the city council for permanent display art, including recommendations made independently of funding applications.
- (e) With respect to applications for funding for permanent display art, the arts commission will make recommendations to the city council for awards of funding and proposed locations for permanent display art. The city council will make the final decision on funding and locations for permanent display art.
- (f) The arts commission will review all other applications for funding for the arts, and will make final decisions on all such applications.

SECTION 2. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 3. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 4. This ordinance shall become effective upon second reading.

PASSED AND APPROVED on first reading on October 7, 2020.

PASSED, APPROVED AND ADOPTED on second reading on October 20, 2020.

Jane Hughson
Mayor

Attest:

Approved:

Tammy K. Cook
Interim City Clerk

Michael J. Cosentino
City Attorney