ORDINANCE NO. 4274

AN ORDINANCE of the City Council of the City of Kent, Washington, amending the Kent City Code to: (1) move the code provisions concerning the Arts Commission from Chapter 4.02 to a new Chapter 2.61, and (2) create an alternate position on the Commission that would allow the alternate to act in the place of an absent member and to assume a vacant position should one become available during the alternate’s term.

RECITALS

A. The Kent Arts Commission was created in 1975, and its primary purpose is to initiate, sponsor, or conduct programs calculated to further public awareness of and interest in the visual and performance arts. The Arts Commission’s duties include establishing cultural opportunities and arts education within Kent, improving Kent’s quality of life and enhancing its aesthetic environment, and promoting Kent as a center for great arts.

B. Although the Arts Commission is required to hold regular meetings, at times it has been difficult to obtain the quorum necessary to transact business due to the absence of its members at those meetings. This ordinance will create a new position on the Commission that will allow a person to be appointed as an alternate.

1 Amend Chapter 4.02 KCC - Re: Arts Commission and Alternate Position
C. It is intended that when all members of the Commission are present, the alternate will serve in a nonvoting capacity. If, however, a member is absent from any meeting of the Arts Commission, the alternate will serve as a pro tempore voting member for that meeting and may vote on all matters before the Commission. The alternate may also assume any position that is vacated by an incumbent member or otherwise becomes available during the alternate’s tenure without the necessity of further Council confirmation. A search for a new alternate would then be undertaken.

D. Currently, the Arts Commission is limited to 14 members. Because the Arts Commission obtains only those powers granted to it by Council, an ordinance is required to amend the Kent City Code to allow for the appointment of an alternate, and to allow that alternate to act as a pro tempore when a voting member is absent.

E. In addition to making the changes needed to create an alternate position, this ordinance also moves the code provisions concerning the Arts Commission from Chapter 4.02 of the Kent City Code to a new Chapter 2.61. The code provisions concerning the Arts Commission have been codified for some time in Chapter 4.02, but all other ordinances concerning Council created boards and commissions are organized under Title 2, and it is appropriate to move these provisions there as well.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. - Repealer - Ch. 4.02 KCC. Chapter 4.02 of the Kent City Code, entitled “Arts Commission,” is hereby repealed in its entirety.
SECTION 2. Amendment - Ch. 2.61 KCC. Title 2 of the Kent City Code is amended to add a new Chapter 2.61, entitled "Arts Commission," as follows:

CHAPTER 2.61
ARTS COMMISSION

Sec. 2.61.010. Created. There is hereby created the Kent arts commission.

Sec. 2.61.020. Purpose. The city arts commission and staff may, alone or in cooperation with any other private, civic, or public body of any city, county, or the state, initiate, sponsor, or conduct programs calculated to further public awareness of and interest in the visual and performing arts.

Sec. 2.61.030. Membership. The membership of the city arts commission shall be fourteen (14) members, in addition to a council representative and an optional alternate. Members are to be appointed by the mayor and confirmed by the city council, with the exception of the council representative, who shall be appointed to the commission by the council president. Each member of the commission shall have an equal vote in decisions of the commission, except for the alternate and appointed council representative, who shall serve in nonvoting capacities.

Sec. 2.61.040. Alternate Member. An alternate may be appointed to the commission by the mayor and confirmed by the city council. Once appointed and confirmed, the alternate will serve in a nonvoting capacity when all regular members are present at a meeting of the arts commission. When a regular member of the arts commission is absent from a meeting, the alternate will serve as a pro tempore voting member for that meeting and may vote on all matters before the commission. Should a position as a regular member on the arts commission become available during the alternate’s term, the alternate will assume that
position as a regular member without any further council confirmation required.

**Sec. 2.61.050. Term of appointment.** With respect to the members appointed and confirmed to serve on the commission, the following provisions shall apply:

1. Each member, exclusive of the youth representative, must reside or own property within the city or one (1) of its utility or parks department service areas or, alternatively, work or own a business within the city’s municipal boundaries.

2. The commission shall include among its members one (1) council representative and at least one (1) youth representative of high school age who attends a Kent school or lives within the city’s municipal boundaries.

3. All members appointed shall serve four (4) year terms or the unexpired balance of the term for which appointed, whichever is the lesser period, with the following exceptions:
   a. The youth representative(s) shall be appointed to at least one (1) year term, but may be appointed to as much as a three (3) year term.
   b. The council representative shall be appointed to a one (1) year term.
   c. If an alternate becomes a regular member of the arts commission, the individual’s four (4) year term will begin anew upon appointment as a regular member.

**Sec. 2.61.060. Officers – Meetings.** The city arts commission shall elect its officers, including a chairperson, vice-chairperson, and such officers as it may deem necessary. Such persons shall occupy their respective offices for a period of one (1) year. The arts commission shall hold regular public meetings at least monthly.
Sec. 2.61.070. Rules – Minutes. The city arts commission shall adopt rules for the transaction of business and shall keep written minutes of its proceedings, which minutes shall be a public record.

Sec. 2.61.080. Budget. The arts commission shall each year submit to the mayor and city council for approval a proposed budget for the following year in the manner provided by law for preparation and submission of budgets by appointive officials.

SECTION 2. – Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 3. – Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

SECTION 4. – Effective Date. This ordinance shall take effect and be in force thirty days from and after its passage, as provided by law.

DANA RALPH, MAYOR

Date Approved 3/20/18

KIMBERLEY A. KOMOTO, CITY CLERK

Date Adopted 3/20/18

Date Published 3/23/18
APPROVED AS TO FORM:

ARThUR "PAT" FITZPATRiCK, CITY ATTORNEY