

## ARTICLE II. - ARTS CENTER<sup>[2]</sup>

Footnotes:

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**State Law reference**— Authority for arts center, V.T.C.A., Government Code ch. 1504.

Sec. 16B-7. - City of Irving Arts Center—Created; composition; appointment of officers.

There is hereby established the City of Irving Arts Center, which shall have a board of directors, hereinafter referred to as the arts board. The arts board shall consist of thirteen (13) members; eleven (11) voting members and two (2) representatives from the hotel/motel industry, who shall be nonvoting members.

One (1) of said members shall be elected by the arts board as the chair and one (1) member shall be elected by the arts board as the vice-chair, and one (1) of said members shall be elected by the arts board as secretary.

(Ord. No. 6146, § 1, 7-16-92; Ord. No. 6290, § 3, 7-15-93; Ord. No. 8623, § 1, 3-23-06)

Sec. 16B-8. - Same—Qualifications and appointment of members; term of office and removal from office; filling vacancies.

- (a) *Qualifications.* Nine (9) voting members of the arts board shall be citizens of the City of Irving. Citizen shall be defined to mean a resident of the city who is eligible to vote in city elections. Two (2) voting members should work for, represent, or own corporate or business operations within the City of Irving, and need not be citizens of the city.
- (b) *Appointment of members.*
  - (1) All members of the arts board shall be appointed by the city council.
  - (2) Regular appointments shall be made on the date of the first official city council meeting in November, and the expiration of each term of office shall fall on the date of the first official city council meeting in November during the year in which the term shall expire.
  - (3) Any member of the arts board may be removed from office by the city council for any cause deemed by the city council as sufficient for removal.
  - (4) Any vacancy in the membership of the arts board shall be filled by the city council for the unexpired term of the member whose place has, by removal or otherwise, become vacant.
- (c) *Term of office.*
  - (1) All voting and nonvoting members of the arts board shall serve for a period of two (2) years, unless sooner removed.
  - (2) The eleven (11) voting members shall occupy a place on the arts board, such places being numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, respectively. The terms of office for places 1, 3, 5, 7, 9, and 11 shall expire on odd-numbered years and the terms of office for places 2, 4, 6, 8, and 10 shall expire on even-numbered years.
  - (3) The two (2) nonvoting members shall occupy a place on the arts board, such places being numbered 1 and 2, respectively. The term of office for place 1 shall expire on odd-numbered years and the term of office for place 2 shall expire on even-numbered years.

- (4) Terms of office shall commence and expire on the first official city council meeting in November as set out above.
- (5) If any voting or nonvoting member is unable to complete his or her term, a successor will be appointed to that place to complete that term of office.
- (6) Voting members of the arts board shall serve no more than three (3) full consecutive terms. When a member is appointed to complete a partial term, that partial term shall not count in computing the three (3) full consecutive terms. Nonvoting and/or ex officio members shall not be limited to three (3) consecutive terms.

(Ord. No. 6146, § 1, 7-16-92; Ord. No. 8623, § 1, 3-23-06)

Sec. 16B-9. - Same—Powers, duties and responsibilities.

The arts board shall remain responsible only to the city council and shall have the following powers, duties, and responsibilities:

- (1) To make recommendations to the city council concerning the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of auditoriums, galleries, museums, and civic theaters, plus debt service.
- (2) The encouragement, promotion, improvement, and application of the arts and culture, including music (instrumental and vocal), dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, television, radio, tape and sound recording, and the arts and culture related to the presentation, performance, execution, and exhibition of these major art forms and other activities for which hotel occupancy taxes may be used as provided by state law.
- (3) To employ an executive director who shall be the chief administrator of the Irving Arts Center and the Department of Arts and Culture of the City of Irving. The executive director shall be responsible for carrying out the policies of the arts board. The executive director shall have the authority and responsibility to hire and supervise such other personnel as may be necessary to carry out the policies of the arts board. Said other personnel hired by the executive director shall be governed by the rules, regulations, and policies governing non-civil service personnel, including, but not limited to, financial, salary, personnel, and other policies of the city. The arts board shall be responsible for appointing, removing, and supervising the executive director. In the event of the temporary inability of the executive director to carry out his or her duties there shall be an acting executive director as specified in the organizational chart or in the adopted policies; this appointment will be made by the board of directors. The employment of the executive director and said other personnel shall be at will and said executive director shall be governed by the rules, regulations, and policies governing non-civil service personnel, including, but not limited to, financial, salary, personnel, and other policies.
- (4) The city manager shall not have independent power to appoint, remove, or supervise the executive director, and appeals of personnel actions in regard to the executive director shall be to the arts board and not to the city manager.
- (5) The arts board shall notify and involve the city attorney's office in any disciplinary actions against the executive director that could result in a loss of pay.
- (6) Any issues that cannot be resolved between the city manager and executive director may be brought to the attention of the arts board or city council.
- (7) The arts board shall have the power to implement policies approved by the city council concerning the department of arts and culture, and museums owned or operated by the city.
- (8) For the purposes of this Article, the term "museum(s)" means the Heritage Museum, the Jackie Townsell Bear Creek Heritage Center, the Mustangs of Las Colinas Museum, and any other museum owned or operated by the city.

(Ord. No. 6146, § 1, 7-16-92; Ord. No. 6460, § 1, 7-21-94; Ord. No. 7307, § 1, 8-6-98; Ord. No. 8623, § 1, 3-23-06; [Ord. No. 2017-9904](#), § 1, 1-12-17)

Sec. 16B-10. - Budget appropriations to the arts center; monthly statements, audit of expenditures; project approval.

(a) *Budget process.*

- (1) The city manager serves as the budget officer for the city.
  - (2) In order to aid the city manager in his or her statutory duty to prepare a budget and to present the budget to the city council, the city manager may require the board of directors of the Irving Arts Center to furnish information necessary for the city manager to properly prepare the budget. The arts board shall prepare and submit an annual budget to the city manager in the format directed by the city manager or designee.
  - (3) A budget presentation to the city council may also be done by the arts board chair or designee.
  - (4) The final budget for the Irving Arts Center will be approved by the city council. The city council may amend said budget at any time by its own actions.
- (b) The city council in the regular budget of the city may provide operating funds from the collection of the hotel occupancy tax to the Irving Arts Center.
- (c) All contracts recommended by the arts board must be approved by the city council or meet the requirements of section 16-27 to be effective. The city council may decline to approve a contract, in which case the contract will not be effective.
- (d) The Irving Arts Center shall submit monthly statements to the city showing all expenditures and balances. The financial records of the Irving Arts Center are subject to audit as required by law, the city council, the city treasurer, the city auditor, the chief financial officer, or designee.

(Ord. No. 6146, § 1, 7-16-92; Ord. No. 6290, § 4, 7-15-93; Ord. No. 8623, § 1, 3-23-06)

Sec. 16B-11. - Reports by arts center; all funds to be deposited in city depository.

- (a) The Irving Arts Center shall make financial reports as directed by either the city council or the chief financial officer, in the format set forth by the chief financial officer.
- (b) All hotel occupancy tax funds and other funds within the control of the Irving Arts Center shall be deposited in the city depository bank and invested pursuant to the terms of the city investment policy.

(Ord. No. 6146, § 1, 7-16-92; Ord. No. 8623, § 1, 3-23-06)

Sec. 16B-12. - Title to property purchased with funds.

The title to all property purchased with hotel occupancy funds shall be in the city.

(Ord. No. 6146, § 1, 7-16-92; Ord. No. 8623, § 1, 3-23-06)

Sec. 16B-13. - Council review.

The Irving Arts Center and the Irving Convention and Visitors Bureau boards will report their activities to the city council as requested. Actions of either board may only be overruled by the city council.

(Ord. No. 8623, § 1, 3-23-06)

Sec. 16B-14. - Department of arts and culture created; chief administrator of the Irving Arts Center designated as department director.

- (a) There is hereby created a Department of Arts and Culture of the City of Irving.
- (b) The executive director of the Irving Arts Center shall be the executive director of the department of arts and culture and shall act in accordance with the powers, duties, and responsibilities granted by this article.
- (c) The executive director shall have the authority and responsibility to hire and supervise such other personnel as may be necessary to carry out the policies of the arts board, including policies concerning the department of arts and culture, and museums. Said other personnel hired or supervised by the executive director shall be governed by the rules, regulations, and policies governing non-civil service personnel, including, but not limited to, financial, salary, personnel, and other policies of the city.

( [Ord. No. 2017-9904](#), § 2, 1-12-17)