

**AN ORDINANCE ESTABLISHING A CULTURAL ARTS COMMISSION AND
DISSOLVING THE METROPOLITAN THEATRE COMMISSION AND THE MUSEUM
COMMISSION**

The City of Morgantown hereby ordains that Article 156 of the City Code, entitled “Metropolitan Theatre Commission,” and Article 168 of the City Code, entitled “Museum Commission,” are repealed in their entirety, and a new Article 181 entitled “Cultural Arts Commission” is established as follows:

181.01. Established.

There is hereby established a Cultural Arts Commission in The City of Morgantown, referred to in this Article as the “Commission.” The Commission shall have the purposes, powers, and duties set forth in this Article.

181.02. Purpose.

The Commission shall be an advisory body that will advise the Director of Arts & Cultural Development, the City Manager’s Office, and the City Council on the promotion and appreciation of arts and culture within the community.

181.03. Powers and Duties.

The Commission shall have and be limited to the following powers and duties:

(1) To advise and make recommendations to the Director of Arts & Cultural Development, City Manager’s Office, and the City Council for their approval as to rules, regulations, policies, administrative and budgetary matters pertaining to the Arts & Cultural Development Department programs, services, facilities, and any other cultural facility constructed or operated by the City;

(2) To assist, advise and make recommendations to the Director of Arts & Cultural Development, City Manager’s Office, and the City Council on arts and culture related matters and regarding opportunities to promote awareness, understanding, and appreciation for, the value of cultural resources in the community;

(3) To advise and make recommendations to the Director of Arts & Cultural Development, City Manager’s Office and the City Council on the development and placement of public art and murals within the city limits of Morgantown. The commission shall have the power to review and make recommendations upon all works of art to be acquired by the City, either by purchase, gift or otherwise and their proposed locations.

181.04. Membership and Terms.

(a) Members. There shall be seven members of the Commission, to be appointed by City Council for a four-year term, except that the initial terms of the members shall be as follows:

(i) One member shall be appointed to a one-year term beginning April 1, 2021 and ending March 31, 2022;

(ii) Two members shall be appointed to a two-year term beginning April 1, 2021 and ending March 31, 2023;

(iii) Two members shall be appointed to a three-year term beginning April 1, 2021 and ending March 31, 2024, provided that one of the members appointed to the term shall have been a member of the Metropolitan Theatre Commission as of January 31, 2021, and one of the members appointed to the term shall have been a member of the Museum Commission as of January 31, 2021;

(iv) Two members shall be appointed to a four-year term beginning April 1, 2021 and ending March 31, 2025, provided that one of the members appointed to the term shall have been a member of the Metropolitan Theatre Commission as of January 31, 2021, and one of the members appointed to the term shall have been a member of the Museum Commission as of January 31, 2021.

All voting members of the Commission shall continue to serve until the appointment of a successor, except in the event of the member's death, resignation, or removal from office. Vacancies shall be filled for the unexpired term in the manner prescribed for appointment of members.

There shall also be two nonvoting *ex officio* members, one of whom shall be a member of City Council, appointed by City Council to serve during the member's term in office, and one of whom shall be a member of the County Commission, appointed by the County Commission to serve during the member's term in office.

(b) Term limits; removal. No member shall serve more than two full, consecutive terms in office. A member who has previously served two full terms may only be reappointed after two years' absence from service on the commission. Any member may be removed by City Council for misconduct, subject to any procedure required by state law, provided that the member shall be given the opportunity to review the charges and shall be entitled to a hearing before City Council where the member may contest the charges before removal. Any member who fails to attend three consecutive regular meetings of the Commission without being excused by the Commission shall be automatically removed from office.

(c) Resignation. A member may resign by delivering written notice to the City Clerk, and the resignation shall be effective upon receipt by the City Clerk or upon such other date stated in the notice. The City Clerk shall promptly deliver notice of the resignation to the Commission.

(d) Compensation. Members shall serve without compensation but may be reimbursed for expenses in accordance with the ordinary budgetary processes of the City.

(e) Qualifications. Members may be selected in the discretion of the City Council, but no member may be a current employee of The City of Morgantown or its boards and commissions.

181.05. Officers.

(a) Offices established. The Commission shall have the following officers: a Chairperson, a Vice-Chairperson, and a Secretary.

(b) Election and Terms. Each officer shall be elected by the Commission for a one-year term at the regular meeting in January of each year, or such later meeting as the Commission shall determine; provided, that the initial Officers shall be elected following the formation of the Commission to serve until the next regular meeting in January, or such later meeting as the Commission shall determine.

(c) Chairperson. The Chairperson shall be responsible for assisting City staff in the preparation of the agenda for all meetings. The Chairperson will be the presiding officer of meetings of the Commission and may call a special meeting of the Commission at any time.

(d) Vice-Chairperson. The Vice-Chairperson shall assume the duties of the Chairperson upon the Chairperson's absence or disability.

(e) Secretary. The Secretary shall be responsible for assisting the Commission and City staff in the preparation and distribution of the minutes of its meetings.

181.06. Committees.

The Chairperson may establish such committees as are necessary or appropriate for conducting the business of the Commission and shall appoint the members of the Commission or other individuals who will serve on each committee. The Chairperson shall have the power and duty to dissolve committees upon the completion of their work.

181.07. Meetings.

(a) The Commission shall meet regularly according to a schedule adopted by the Commission and may hold special or other meetings upon the call of the Chairperson or by four voting members of the Commission.

(b) All meetings will be conducted in accordance with the Open Governmental Proceedings Act, West Virginia Code Chapter 6, Article 9A, as it may be amended. The City Clerk will post the agenda providing notice of the meetings. The Chairperson shall be responsible for delivering the agenda to the City Clerk sufficiently in advance of each meeting to permit the required public notice.

(c) The agenda for each meeting shall be delivered to each member of the Commission no less than three business days' in advance of each regular meeting, two business days' in advance of each special meeting, and as soon as practicable in advance of any emergency meeting.

(d) A majority of the voting members of the Commission then in office shall be sufficient to constitute a quorum and to conduct business of the Commission. No official action may be taken unless a quorum is present at a meeting.

(e) Except where otherwise specified by law, the Commission will take action by a majority vote of the voting members present at a meeting.

181.08. Reports.

(a) Minutes. The Commission, by its Secretary or such other person as determined appropriate, shall record and keep written minutes of each meeting reflecting, at minimum, the official action of the Commission taken at each meeting, the members present, and such other information as may be required by the Open Governmental Proceedings Act. The minutes shall be open to public inspection and shall be filed with the City Clerk upon approval by the Commission. Approval of minutes shall be made at the next regular meeting following any meeting of the Commission.

(b) Annual Report. On or before January 31st of each year, the Commission shall file an annual report with the City Manager and City Council setting forth the activities of the Commission in the prior calendar year.

~~ARTICLE 156. METROPOLITAN THEATRE COMMISSION~~

~~Sec. 156.02. Purpose.~~

~~The function of the Metropolitan Theatre Commission is to over watch and advise the City Manager and City Council regarding present and future development of the theater, programming, financing of theater projects, and operations of the theater as a whole.~~

~~Sec. 156.03. Membership.~~

~~The Metropolitan Theatre Commission shall consist of nine members. Seven of the members shall be residents of the City who shall be appointed by City Council from those members comprising the Commission of the Metropolitan Theatre Preservation Foundation at the date of adoption of this article. Each of the seven members shall serve a term of four years. Upon the conclusion of that four-year period, subsequent reappointments or new appointments will be for terms as follows:~~

~~Two members for a one-year term; and~~

~~Two members for a two-year term; and~~

~~Three members for a three-year term.~~

~~City Council shall determine at the conclusion of the initial four-year term which members of the Commission shall be assigned to the terms indicated above.~~

~~Upon the expiration of the terms specified above, all subsequent appointments shall be for a term of three years each.~~

~~An eighth member of the Commission shall be a member of the governing body of the City, and shall be elected by City Council. The term of the City Council member shall be coextensive with the term of office to which he or she has been elected or appointed.~~

~~A ninth member of the Commission shall be a member of the Monongalia County Commission, and shall be appointed thereto by the County Commission. The term of the County Commission member shall be at the will and pleasure of the Monongalia County Commission.~~

~~All members shall serve without compensation.~~

~~Sec. 156.04. Vacancies.~~

~~Vacancies shall be filled in the same manner as for appointments to the Commission, but for the unexpired term only. The office of a member of the Metropolitan Theatre Commission shall become vacant upon his/her death, resignation, removal from office or failure to attend three consecutive regular meetings of the Commission without being excused by the Commission either before or after such absence.~~

~~Sec. 156.05. Officers.~~

~~The Metropolitan Theatre Commission shall select from its own membership a chairperson, vice-chairperson and secretary.~~

~~Sec. 156.06. Meetings.~~

~~The Metropolitan Theatre Commission shall meet as often as it may deem necessary, upon call of the chairperson. All meetings will be subject to the West Virginia Open Governmental Proceedings Act.~~

~~Sec. 156.07. Written reports.~~

~~The Commission shall submit annual reports to the City Manager and Council summarizing its past year's activities and recommendations for the ensuing year.~~

~~Sec. 156.08. Freedom of Information Act applies.~~

~~As a board of the City, the Metropolitan Theatre Commission shall be subject to the West Virginia Freedom of Information Act.~~

~~ARTICLE 168. - MUSEUM COMMISSION~~

~~Sec. 168.01. Established.~~

~~There is hereby formed, created and established a municipal museum commission known as the Morgantown Museum Commission (the "Commission"). The Commission is established pursuant to authority granted to the Municipality by West Virginia Code Sections 7-11A-1 et seq.~~

~~Sec. 168.02. — Members.~~

~~The Commission shall consist of ten members who shall be appointed by City Council. The terms of the individual Commission members first appointed shall be as follows:~~

~~Two members — Five years;~~

~~Two members — Four years;~~

~~Two members — Three years;~~

~~Two members — Two years;~~

~~Two members — One year.~~

~~All vacancies shall be filled for the unexpired term only and all other appointments shall be for a term of five years, to commence on the date following the scheduled expiration date of the previous term. At all times one of the ten members of the Commission shall be a member of City Council. All members of the Commission shall be residents of the City.~~

~~Sec. 168.03. — Officers.~~

~~The Commission shall select from its own membership a chairperson, vice chairperson and secretary.~~

~~Sec. 168.04. — Meetings.~~

~~The Commission shall meet on a monthly basis. Special meetings may be held as deemed necessary by the Chairperson. Such meetings shall be subject to the requirements of the West Virginia Open Governmental Proceedings Act. A quorum of members must be present before a meeting of the Commission can be held at which any official action of the Commission is to take place.~~

~~Sec. 168.05. — Voting.~~

~~Every member of the Commission present, when a question is put, shall vote unless he/she is interested therein other than as a resident of the City. To be successful, an issue shall require six affirmative votes.~~

~~Sec. 168.06. — Compensation and reimbursement for expenses.~~

~~The members of the Commission shall receive no compensation for their services, but shall be entitled to reimbursement for reasonable and necessary expenses actually incurred in the performance of their duties as a Commission member, if said Commission member has received approval from the City's Finance Director to make such expenditure prior to incurring said expense.~~

~~Sec. 168.07. — Appropriation of funds.~~

~~City Council may appropriate any funds that it deems necessary to carry out any of the proposals set forth by the Commission, so long as said proposal complies with the authority granted to the Commission by this article. The Commission, on behalf of the City, may receive gifts, grants, donations, bequests or devises from sources other than public funds.~~

~~Sec. 168.08. — Powers and duties.~~

~~It shall be the duty of the Commission to advise and recommend to the City Manager and/or City Council museum programs or projects within the City's corporate limits.~~

~~The Commission shall not have the authority to contractually bind the City on any matter.~~

~~Should the Commission so desire, it has the authority to recommend to City Council that a specific admission fee be approved by Council for entrance into a designated museum of the City.~~

~~Sec. 168.09. — Cooperation with State agencies.~~

~~The Commission shall cooperate and coordinate its activities with the West Virginia Department of Archives and History, the West Virginia Historical Society and the West Virginia Antiquities Commission.~~

~~Sec. 168.10. — Annual report.~~

~~On December 1st of each calendar year, the Commission shall file an annual report with the City Manager describing its activities for the previous 12 months. The City Manager shall present the Commission's report to City Council.~~

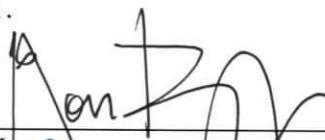
This ordinance shall become effective March 31, 2021.

FIRST READING: March 2, 2021

SECOND READING: March 16, 2021

ADOPTED: March 16, 2021

FILED: March 17, 2021



Mayor



City Clerk