



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1417**

An ordinance to Repeal Chapter 78 Parks and Public Property and Chapter 79 Public Art and replace with New Chapter 80 Parks and Art

- 1. THE CITY OF YPSILANTI HEREBY ORDAINS** that
a. City Code Chapter 78 Parks and Public Property, sections 78-46 to sections 78-51; and Chapter 79 Public Art, sections 79-1 to 79-8 of the Ypsilanti City Code are hereby repealed.

~~Sec. 78-46. Composition; appointment.~~

~~The parks and recreation commission shall consist of at least nine but not more than 11 members appointed by the mayor, subject to confirmation by a majority of city council.~~

~~(Code 1983, § 1.200; Ord. No. 825, § 1.200, 8-28-1995; Ord. No. 1061, § 1, 6-5-2007; Ord. No. 1202, § 1, 12-3-2013)~~

~~Sec. 78-46.01. Youth members.~~

~~Three members may be youth members, under the age of 18 years of age. Youth members shall have all powers of a member, including the power to vote and hold office in the parks and recreation commission.~~

~~(Ord. No. 1061, § 1, 6-5-2007; Ord. No. 1202, § 1, 12-3-2013)~~

~~Sec. 78-47. Term.~~

~~The term of the members of the parks and recreation commission shall be three years, except that of the members first appointed. Terms shall be staggered so that as far as practicable at least three member's terms expire each year.~~

~~(Code 1983, § 1.201; Ord. No. 825, § 1.201, 8-28-1995; Ord. No. 1061, § 1, 6-5-2007; Ord. No. 1202, § 1, 12-3-2013)~~

~~Sec. 78-48. Residency.~~

~~Members of the parks and recreation commission shall be residents of the city. At least three members shall be appointed from each of the three wards of the city.~~

~~(Code 1983, § 1.202; Ord. No. 825, § 1.202, 8-28-1995; Ord. No. 1061, § 1, 6-5-2007; Ord. No. 1202, § 1, 12-3-2013)~~

~~Sec. 78-49. Powers and duties.~~

~~The parks and recreation commission shall be an advisory board and shall have the following powers:~~

~~(1) — Make recommendations to the city manager, recreation director, and city council concerning the recreation and city parks needs of the city, including how park improvement funds are used.~~

~~(2) — Update the City of Ypsilanti parks and recreation master plan.~~

~~(3) — Review and approve "Adopt A Park" applications.~~

~~(4) — Expand park and recreational opportunities through commission sponsored events when appropriate.~~

~~(5) — Set its own rules and regulations.~~

~~(6) — Report, at least annually, to city council.~~

~~(Code 1983, § 1.203; Ord. No. 825, § 1.203, 8-28-1995; Ord. No. 1061, § 1, 6-5-2007; Ord. No. 1202, § 1, 12-3-2013; Ord. No. 1383, 10-5-2021)~~

~~Sec. 78-50. Secretary and administrative help.~~

~~The city manager shall, within budgetary appropriations, provide for secretarial and administrative help for the commission.~~

~~(Code 1983, § 1.204; Ord. No. 825, § 1.204, 8-28-1995; Ord. No. 1061, § 1, 6-5-2007; Ord. No. 1202, § 1, 12-3-2013; Ord. No. 1383, 10-5-2021)~~

~~Sec. 78-51. Vacancy in office.~~
~~Vacancies shall be filled in the same manner that members are appointed. The office of any member shall be shall be requested vacated by resolution to city council, if that member has three or more unexcused absences from meetings of the commission. Absences may be excused by simple majority of a quorum.~~

~~(Code 1983, § 1.205; Ord. No. 825, § 1.205, 8-28-1995; Ord. No. 1061, § 1, 6-5-2007; Ord. No. 1202, § 1, 12-3-2013; Ord. No. 1383, 10-5-2021)~~

~~**Sec. 79-1 Intent.**~~

~~The state of Michigan has recognized, through the enactment of The Faxon-McNamee Art in Public Places Act (MCL 18.71 et seq.), the importance of promoting art in government spaces and facilities. City council has determined that the creation and presence of public art will advance the interests of the city, aid in enhancement of property values, improve the aesthetic quality of public spaces and structures, provide cultural and recreational opportunities, contribute to the local heritage, stimulate economic activity and promote the general welfare of the community.~~

~~City council recognizes the responsibility of government to foster the development of culture and the arts. It is therefore declared to be municipal policy to promote public art.~~

~~(1) — *Public art definition.* *Public art* means works of art created, purchased, produced or otherwise acquired for display in public spaces or facilities. Public art may include artistic design features incorporated into the architecture, layout, design or structural elements of the space or facility. Public art may be any creation, production, conception or design with an aesthetic purpose, including freestanding objects d'art, sculptures, murals, mosaics, ornamentation, painting, paint or decoration schemes, use of particular structural materials for aesthetic effect, spatial arrangement of structures, architectural design features, mixed media, digital art, photography, and performance part and music.~~

(2) — *Diversity.* The City of Ypsilanti is a diverse community as reflected in the city logo, pride, diversity, heritage. The policy of the City of Ypsilanti is to celebrate pride, diversity and heritage and the Ypsilanti Art Commission is charged to recognize this policy and promote the policy in the work and selections of the commission.

(Ord. No. 1342, § 1, 10-1-2019)

~~Sec. 79-2 Creation, composition, appointment.~~

The Ypsilanti Art Commission is created and shall consist of not less than five and not more than nine members, and two non-voting youth members appointed by the mayor, subject to the confirmation of city council.

(Ord. No. 1342, § 1, 10-1-2019)

~~Sec. 79-3 Purpose, objectives, powers and duties.~~

(a) — *Purpose.* The purpose of the Ypsilanti Art Commission (YAC) is to act as an advisory body to the mayor, city council and city manager for all things art in the City of Ypsilanti.

(b) — *Objectives.* The YAC shall promote art in the city and promote the city policy of pride, diversity and heritage. To educate the public why the arts, culture and creative industries are important to the city and to cultivate a community culture and environment that embraces and nurtures artistic and creative assets. To promote and further diversity, equity and inclusion of all of Ypsilanti in the arts.

(c) — *Powers.* The YAC shall have the following powers:

(1) — Promulgate guidelines, subject to the approval of city council, to support art in the city and provide procedures for soliciting and selecting public art and artistic events and for determining suitable locations for events and the display of art within the city.

(2) — By April 1 of each year, submit to city council a plan detailing potential projects and desirable goals to be pursued in the next fiscal year.

(3) — Make determinations, subject to the approval of the city manager, for each proposed project as to whether it is eligible for public art funding and, if so, calculate the total costs of the project and the total amount of city art funding required.

(4) — Make recommendations, subject to the approval of the city manager, regarding disbursement of public art funds to promote, show, acquire, produce, install, maintain, alter, relocate or remove art.

(5) — Make recommendations to the city manager and city council regarding proposed art for urban art, billboards, parks, DDA area, alleyways, bridges, overpasses, Border to Border Trail, undeveloped and underdeveloped property or foreclosed properties.

(6) — Raise funds for public, identify grant opportunities, interact with donors of funds or art works on behalf of the city, and foster public/private partnerships to support public art.

(7) — Investigate and promote cooperative ventures, collaboration, joint ventures and partnerships for art, art projects and art installations with the State of Michigan, County of Washtenaw, Eastern Michigan University, Ypsilanti Community Schools, Washtenaw Intermediate School District, Ann Arbor Area Transportation Authority, Huron River Water Council, Ozone House and other entities, subject to final approval of the city council.

(8) — Promote awareness of art through all available methods including education, marketing, events, social media, and other tools as appropriate.

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- (9) — Promote economic development in art by encouraging and promoting opportunities and business that engage and/or employ artists, performers and other people in the arts.
- (10) — Identify public functions and services and non-profit and profit business and cultural opportunities to support local artists and artistic services.
- (11) — Create an arts plan for the city with goals and vision for the work of the commission and city related to supporting and fostering arts in Ypsilanti.
- (12) — Present an annual report to city council within 60 days after the end of each fiscal year containing:
- a. — A report on the status of all art incorporated into or funded by city projects in progress or completed during the preceding fiscal year;
 - b. — A maintenance report on each work of public art presently under city management detailing maintenance costs for the preceding fiscal year, anticipated maintenance costs for the next fiscal year, and any significant future maintenance concerns, including prioritized recommendations for the maintenance, repair or renovation of particular works;
 - c. — A review of the city's public art;
 - d. — A report on YAC's efforts to promote awareness of public art;
 - e. — A report on donations of art and where such art was placed;
 - f. — A report on additional funds raised and how such funds were used; and
 - g. — Any other matter of substantial financial or public importance relating to the art in the city.
- (13) — Perform any related duty delegated by city council; and
- (14) — Provide advice to and assist both potential donors of art and other governmental entities regarding possible public locations for placement of art when such art cannot be placed on any city property or incorporated into a capital project of the city.
- (15) — Act as city liaison with the general public for city public art projects.
- (Ord. No. 1342, § 1, 10-1-2019)

~~Sec. 79-4. Limitations on powers.~~

~~YAC does not have authority to enter into contracts or otherwise create a contractual obligation for the city. The selection of public works of art, artists and contractors to design, create, maintain or perform work otherwise related to public works of art, and all contracts for such works of art and work, shall be done and awarded in accordance with City Charter, City Code and city policies and procedures governing the award of contracts.~~

(Ord. No. 1342, § 1, 10-1-2019)

~~Sec. 79-5. Membership.~~

- (a) — ~~The YAC shall consist of not less than five nor more than nine voting members, and two non-voting youth members nominated by the mayor and approved by city council. The city manager or her designee shall be a nonvoting ex-officio member of YAC. Appointments of the voting members shall be made from candidates who have the following expertise or affiliation:~~
- (1) — ~~Persons who, insofar as possible, have experience and/or an interest in the placement, creation, or design of public art.~~
 - (b) — ~~All members of YAC, including members of its subcommittees, shall serve without compensation.~~

(c) — All voting members of YAC shall be appointed for a three-year term. In order to ensure that approximately one-third of the voting members' appointments expire each year, initial appointments shall be one-third of members for a one-year term, one-third of members for a two-year term, and one-third of members for a three-year term.

(d) — Recognizing that art has no geographical boundaries, one member of the YAC shall be a non-resident of the city. Consistent with City Code section 2-111, all other members of YAC shall be residents of the City of Ypsilanti, unless an exception is granted by a resolution of city council with an affirmative vote of at least five members.

(e) — Any vacancy on YAC occurring in the middle of a term shall be filled for the remainder of the term in the same manner as for full-term appointments.

(f) — Members are expected to attend regularly scheduled meetings and to notify the chair and the city clerk in advance if they expect to be tardy or absent. If a member misses more than three regularly scheduled meetings in a 12-month period, the chair shall notify the mayor and may recommend removal of the member.

(g) — A member of YAC may be removed by city council for cause following notice and a hearing.

(Ord. No. 1342, § 1, 10-1-2019)

Sec. 79-6. Ethics and conflicts of interest.

(a) — A member of YAC shall abstain from discussion or voting on any matter where that member is involved in a real or apparent conflict of interest.

(b) — A member of YAC shall neither solicit nor accept gratuities, favors, or anything of monetary value from persons or entities in a position to benefit from a decision of YAC.

(c) — A member of YAC shall not obtain, for himself/herself or for any person with whom he/she has business or family ties, any financial or beneficial interest in a matter which may be affected by a decision of YAC. This restriction shall apply during the member's tenure on YAC and for one year thereafter.

(d) — A member of YAC shall abstain from discussion or voting on any matter from which that member, any member of his/her immediate family, his/her partner, or a person with whom the member has family or business ties may obtain a financial interest or other benefit.

(e) — Except where it violates a confidence, a member of YAC shall disclose all pertinent facts regarding any possible conflict, real or apparent, and those facts shall be recorded in the minutes of the proceedings. The member may then abstain from discussion and voting on the matter.

(f) — Members of YAC shall complete an annual disclosure of organization affiliations and shall update this disclosure in writing at any time during the year when such affiliations change.

(g) — Members of YAC shall comply with the above ethical requirements and the City of Ypsilanti Ethics Ordinance, Ypsilanti City Code section 46-71 et seq., and all applicable laws governing conflicts of interest.

(h) — Employment by or membership in an educational organization, art association, art museum, library, art gallery, or any art associated business shall not be a conflict of interest per se that would prohibit being a member of YAC.

(i) ~~A member of YAC shall not use his/her position on YAC to advance his/her own personal gain or advantage.~~

~~(Ord. No. 1342, § 1, 10-1-2019)~~

~~**Sec. 79-7. Meetings.**~~

~~The YAC shall hold meetings not less than every 30 days. All meetings of YAC and its subcommittees shall be open to the public and conducted in accordance with the Michigan Open Meetings Act (PA 267 of 1976), as amended. Closed sessions may be called for purposes listed in the Open Meetings Act.~~

~~(Ord. No. 1342, § 1, 10-1-2019)~~

~~**Sec. 79-8. Bylaws.**~~

~~The YAC shall adopt bylaws subject to the approval of the city attorney and city council on or before the YAC third meeting.~~

~~(Ord. No. 1342, § 1, 10-1-2019)~~

b. A new Chapter 80 Parks and Art is hereby added to the Ypsilanti City Code to read as follows:

Sec. 80-1 Intent

The intent of this section is to combine the functions of the Ypsilanti Parks Commission and the Art Commission into one Commission named the Ypsilanti Parks and Art Commission.

Sec. 80-2 Ypsilanti Parks and Art Commission.

The Ypsilanti Parks and Art Commission is hereby established.

Sec. 80-3 Advisory.

The Ypsilanti Parks and Art Commission is strictly advisory. The Commission does not have the power to exercise governmental or proprietary authority or perform a governmental or proprietary function and is not subject to the Michigan Open Meetings Act.

Sec. 80-4 Composition'

The Ypsilanti Parks and Art Commission shall consist of not less than three (3) nor more than eleven (11) members, with no more than three non-residents nominated by the mayor or two council members and approved by at least 5 members of city council.

Sec. 80-5 Term of office.

Members shall serve terms of three (3) years. Terms shall be staggered so at least three (3) member terms are rotated each year.

Sec. 80-5 By-laws.

The Commission shall set its own by-laws, subject to the approval of city council. By-laws shall include as a minimum of at least three members present to make decisions, officers, meetings, minutes, posting of minutes, procedure and an annual in-person report to city council. Commission by-laws shall be posted on the city web site.

Sec 80-6 Purpose and Powers.

The Commission shall investigate, review, study, examine and explore and debate all areas concerning the parks in the city and art in the city and provide recommendations to City Council on parks and art in the city.

The Commission shall have all the customary powers of an Ypsilanti Board or Commission to carry out its purpose, but no power to contract, hire or fire or direct any city employee or bind the city without city council approval.

2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

3. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30

days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 1st DAY OF August, 2023.

Andrew Hellenga, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1417 was published according to Section 11.13 of the City Charter on the 10th day of August, 2023.

Andrew Hellenga, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 1st day of August, 2023.

Andrew Hellenga, City Clerk

Notice Published: July 14, 2023

First Reading: July 25, 2023

Second Reading: August 1, 2023

Published: August 10, 2023

Effective Date: August 31, 2023

RESOLUTION NO. 17-_____

, 2017

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "" be approved on first reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE: