

# RESOLUTION

*of the*

## ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

*creating the*

### “ARTS AND CULTURAL AFFAIRS ADVISORY COUNCIL”

Resolution No. 2001-M-30

WHEREAS, in October, 2000, the Orange County Chairman established the Orange County Arts and Cultural Affairs Task Force (the “Task Force”), the goals of which included identifying the existing arts and cultural infrastructure in Orange County and making recommendations on how to overcome deficiencies; reviewing arts and cultural initiatives in Orange County’s public and private education system and recommending ways to increase student exposure and involvement; and evaluating funding for, and corporate involvement in, arts and cultural organizations in our community and defining methods for broadening the base of support; and

WHEREAS, in addition to the other work performed by the Task Force, the Task Force held a public hearing on December 6, 2000 and conducted four surveys of arts initiatives, arts educational programs, arts patrons, and general public opinion regarding awareness, participation and preferences regarding the arts; and

WHEREAS, on May 1, 2001, the Task Force presented its findings and recommendations to the Board; and

WHEREAS, the Task Force recommended the establishment of an Orange County Arts and Cultural Affairs Office and Administrator, an Arts and Cultural Affairs Advisory Council and a dedicated funding source of three percent (3%) of the first four cents of the County’s Tourist Development Tax revenues; and

WHEREAS, on May 1, 2001, the Board accepted the recommendations of the Task Force and authorized establishment of an Arts and Cultural Affairs Advisory Council; and

WHEREAS, the Board now desires to establish the Arts and Cultural Affairs Advisory Council.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

**Section 1. Creation of the Arts and Cultural Affairs Advisory Council.** The Board hereby creates the Arts and Cultural Affairs Advisory Council, hereinafter referred to as the “Council.”

## **Section 2. Membership.**

**A. Members.** The Council shall be composed of thirteen members, each of whom has been appointed by vote of the Board after being nominated as indicated below. All members shall be residents of Orange County, Florida, but need not be residents of any particular commission district. Nominations for appointment shall be submitted to the Membership and Mission Review Board (the "MMRB"), which shall review such nominations and recommend to the Board such appointments to the Council as the MMRB sees fit, as set forth below:

1. *County Chairman.* Two members shall be nominated by the County Chairman, one of whom shall be a sitting County Commissioner;
2. *County Commissioners.* One member shall be nominated by each County Commissioner;
3. *City of Orlando.* One member shall be nominated by the City of Orlando;
4. *United Arts of Central Florida.* One member shall be nominated by United Arts of Central Florida;
5. *Tourist Development Council.* One member shall be nominated by the Tourist Development Council;
6. *University of Central Florida.* One member shall be nominated by the University of Central Florida; and
7. *At Large.* One member shall be nominated at large who has an interest or expertise in arts and cultural affairs in the County.

With respect to the nominations by the entities identified in items 3 through 6 above, each such entity shall nominate three persons as potential members of the Council and submit such list of nominees to the MMRB. The MMRB shall then recommend one or more persons from such list to the Board for appointment to the Council. When a vacancy in one or more of such positions on the Council either exists or is anticipated, the MMRB shall notify the pertinent nominating organization and request three nominations. If the organization submits three or more nominations within 30 days of receipt of the notification of the existing or anticipated vacancy, the MMRB shall recommend one or more persons from the submitted list of nominees to the Board for appointment to the Council. If the organization fails to submit any nominees, or submits fewer than three nominees, the MMRB may recommend such persons as it deems suitable for appointment to the Council.

Members of the Council may not have any ownership interest in or employment or contractual relationship with any person or entity which may receive a financial benefit as a result of funding applications made to the Council. If subsequent to appointment, a member of the Council shall acquire an ownership interest in or enter into an employment or contractual relationship with any person or entity which may receive a financial benefit as a result of funding applications made to the Council, such member shall be disqualified from membership on the Council, and a vacancy shall be deemed to have occurred.

**B. Terms of Appointment.** The terms of appointment shall be for two years. Each term shall expire at midnight on June 30 of the second year of the term, except for the initial terms. To provide for staggered terms of successor membership, the terms of office for seven of the initial members of the Council shall expire on June 30, 2002, and the terms of office for the other six initial members of the Council shall expire on June 30, 2003. A vacancy occurring during a term shall be filled for the unexpired term. Each member shall hold office until a successor has been appointed and has qualified.

### **Section 3. Operation of the Arts Advisory Council .**

**A. Duties and Responsibilities.** The Council shall have the following duties and responsibilities:

1. The Council shall study the potential uses of the designated tourist development tax revenues, endeavor to increase collaboration and coordination with arts and cultural leaders in the county to achieve economies of scale, reduce operating overheads and promote artistic excellence in the County.
2. The Council shall assist the Board in allocating county funding for arts and cultural affairs. Such assistance shall include the review of funding requests for the arts. The Council shall review requests from arts and cultural organizations for funding from designated tourist development tax funds as well as from general fund revenues. The primary purpose of the Council's assistance in this regard shall be to review funding requests and recommend for funding from designated tourist development tax revenues only such requests for arts and cultural events, activities and facilities which are consistent with the authorized purposes set forth in Section 125.0104(5)(1) and (2) Florida Statutes.
3. The Council shall advise the Board in the identification and prioritization of projects which the Council has determined qualify for funding from the tourist development tax revenues dedicated to arts and cultural affairs. The Council also may separately identify projects which it recommends for funding by the County, but which do not qualify for funding from such tourist development tax revenues. The Council shall identify and prioritize such projects in an annual report to be submitted to the Board by the Council each year, no later than June 30 of each year, beginning June 30, 2002.

**B. Meetings; Quorum; Voting; Minutes.** At its initial meeting, the Council shall elect a Chairman and a Vice-Chairman and shall establish a schedule of regular meetings. The Council, with assistance from the Arts and Cultural Affairs Office, shall establish rules and procedures for the conduct of its meetings, review of applications for funding and such other matters as it deems necessary. Seven members constitutes a quorum for the purpose of conducting the business of the Council and for all other purposes. Action may be taken by the Council upon a vote of a majority of the members present. Further, the Council shall keep a record of its transactions and the attendance and votes of its members.

**C. Committees.** The Council shall form committees. Such committees shall concentrate their efforts on one or more of the following issues: (i) performing/visual arts; (ii) public art and festivals; (iii) arts education; and (iv) cultural tourism; and (v) cultural facilities and land.

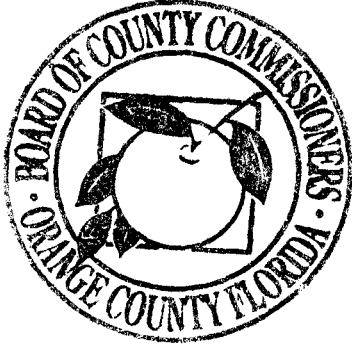
**D. Applicable Laws.** The Council is an Orange County advisory board for purposes of the Orange County Advisory Boards Ordinance (Article VI of Chapter 2 of the Orange County Code, hereafter, the "Advisory Boards Ordinance"). Therefore all actions of the Council shall be in accordance with the Advisory Boards Ordinance and all applicable laws, including, but not limited to, the Code of Ethics for Public Officers and Employees (Part III of Chapter 112 of Florida Statutes), the Florida Public Records Law (Chapter 119, Florida Statutes) and the Florida "Government-in-the-Sunshine Law" (Section 286.011, Florida Statutes).

**Section 4. Support.** The Council shall receive staff support from the Orange County Administrator of Arts and Cultural Affairs and the Arts and Cultural Affairs Office. The Orange County Attorney shall serve as legal counsel to the Council and all funding recommendations shall be subject to legal review by the County Attorney's Office.

**Section 5. Severability.** If any provision of this resolution or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application and to this end the provisions of this resolution are declared severable.

Section 6. **Effective Date.** This resolution shall take effect immediately.

ADOPTED THIS 21 DAY OF August 2001.



**ORANGE COUNTY, FLORIDA**  
By: Board of County Commissioners

BY: *Richard T. Crotty*  
Richard T. Crotty  
County Chairman

**ATTEST:** Martha O. Haynie, County Comptroller  
As Clerk to the Board of County Commissioners

BY: *Martha O. Haynie*  
*ast.* Deputy Clerk