

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:


PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD: 

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

A RESOLUTION ESTABLISHING THE MUSEUMS AND CULTURAL AFFAIRS ADVISORY BOARD FOR THE PURPOSE OF ADVISING THE CITY OF EL PASO ON MATTERS RELATED TO THE CULTURAL FUNDING PROGRAM, PUBLIC ART PROGRAMMING, AND OTHER DEPARTMENTAL MATTERS OF THE MUSEUMS AND CULTURAL AFFAIRS DEPARTMENT.

WHEREAS, on September 21, 2010, the El Paso City Council (“City Council”) enacted Ordinance No. 017424 codifying the Museums and Cultural Affairs Board to advise City Council and the Museums and Cultural Affairs Department on matters related to the cultural funding program, public art programing, and other departmental matters; and

WHEREAS, on May 12, 2025 City Council directed boards and commissions be standardized and enacted by resolution instead of ordinance; and

WHEREAS, Sections 2.40.030, 2.40.040, 2.40.050, 2.40.060, and 2.40.080 of the City Code will be repealed, and this Resolution will become effective immediately after; and

WHEREAS, the City of El Paso would continue to benefit from the establishment of the Museums and Cultural Affairs Advisory Board in order to meet aforementioned departmental needs as well as making recommendations to City Council on policies and decisions regarding collection management and programming.

WHEREAS, the current membership of the Museums and Cultural Affairs Advisory Board is 18 and the Board would most effectively be able to deliberate matters in its purview with 9 members.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the Museums and Cultural Affairs Advisory Board is hereby established to serve as an advisory body to the City Council and the Museums and Cultural Affairs Department concerning the cultural funding program, public art programming and other departmental matters including but not limited to acquisition/deaccession of art, loans, conservation, and use of collections.
2. That the Museums and Cultural Affairs Advisory Board shall adopt the City of El Paso’s Uniform Bylaws, as may be updated from time to time and except as otherwise provided in this enabling resolution.
3. That the current Members of the Museums and Cultural Affairs Advisory Board shall continue to serve out their appointed terms.
4. That the terms of this resolution be effective immediately after the repeal of Sections 2.40.030, 2.40.040, 2.40.050, 2.40.060, and 2.40.080 of the City Code.

5. That the Museums and Cultural Affairs Advisory Board shall have the following duties as described in Exhibit "A."

PASSED AND APPROVED this _____ day of _____, 2025.

THE CITY OF EL PASO

Renard U. Johnson, Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Jesus A. Quintanilla
Assistant City Attorney

APPROVED AS TO CONTENT:



Ben Fyffe, Managing Director
Quality of Life

Exhibit "A"

I. MCAAB Board Requirements

- A. Each member shall be appointed based upon their professional competence and experience in the arts and culture and may include concerned members of the public.
1. At least two-thirds of the board members appointed by the city council will be required to demonstrate an interest, knowledge of, or experience in the following areas and professional fields: performing arts, visual arts, media or literary arts, arts education, architecture or landscape architecture, visitor industry, community nonprofit sector (non-arts), marketing and public relations and organizational or strategic planning.
 2. Individuals appointed pursuant to subsection 1. above may be artists, business owners, professional consultants, architects, design professionals and other professionals.
 3. To avoid possible conflicts of interest in administering the mission of the department and the distribution of funds by or through the department, a nominee for appointment to the board shall not be an officer or board member of any local organization that is receiving or applying for city funding.

II. MCAAB Board Duties.

- A. The museums and cultural affairs advisory board is established to advise the department on matters pertaining to, but not limited to, the cultural funding program, public art programming, and other departmental matters, as determined by the director.
- B. The museums and cultural affairs advisory board shall make recommendations to city council on policies and decisions regarding collection management for each of the City of El Paso museums. Such recommendations shall include, but not be limited to, policies and decisions on:
1. Acquisition/deaccession,
 2. Loans,
 3. Conservation,
 4. Use of collections, and
 5. Documentation of collections.
- C. The museums and cultural affairs advisory board shall have the following duties and responsibilities associated with the administration of the public art program:

1. Review and provide recommendations on the selection of citizen members of a public art committee ("PAC"), the establishment of program policies and guidelines, the recommendation of program budgets, and the approval of recommendations made by the PAC as required herein.
2. Review and provide recommendations for the establishment of policies and guidelines to facilitate and encourage the donation of high-quality artworks to the city.
3. Review and provide recommendations for the establishment of policies and guidelines to ensure that the long-term collection of artworks by the city represents a broad range of artistic schools, styles, tastes and media, without giving exclusive support to any particular one, and gives consideration to diverse representation.
4. The recommendation of an annual designation of funds for repair and maintenance of the public art collection.

D. The board shall hold regular meetings on a monthly basis, with the exception of January and July, and keep a written record of its proceedings. Members of the board, shall not hold any public offices of honor, trust or profit in the government of the city or county during their term of office. Members shall receive no compensation and shall have advisory powers only.

III. Administration of the Public Art Program and Establishment of the Public Art Committee

A. The city hereby designates the director of the museums and cultural affairs department to administer the public art program including appropriate staffing and administrative support of the program, subject to budget appropriations approved by the city council including, but not limited to, the appointment of a public art coordinator. The coordinator shall be housed within the museum and cultural affairs department, and will coordinate activities among the various city departments, the public art committee, and artists or others providing services under the public art program.

B. The El Paso Public Art Committee (PAC) is hereby established and shall serve as a standing committee of the museums and cultural affairs advisory board. The PAC shall consist of nine members appointed as follows: The chair of the museums and cultural affairs advisory board shall appoint one (1) member to the PAC from the museums and cultural affairs advisory board. The additional eight (8) members will be appointed by the chair of the museums and cultural affairs advisory board from a list of qualified citizen candidates provided by the MCAD staff and approved by the museums and cultural affairs advisory board. All PAC members must be qualified/credentialed professionals and represent the following: Four (4) members of the PAC shall be representatives of the architecture, landscape architecture, urban planning or engineering, construction or development industries; four (4) members of the PAC shall be representatives of the visual arts, such as visual artists (by means of a currently demonstrable record of exhibitions, work sold/collected and/or commissioned), curators, art historians or critics, arts advocates/collectors or arts administrators. The categories for membership listed above are not exclusive and more than one category may be represented by one member.

Members of the PAC shall be appointed to serve staggered two-year terms from the date of appointment and are eligible to serve two-consecutive terms; after which a PAC member must sit out for one term before reappointment.

C. Except as provided in this enabling resolution, the qualifications, appointment and conduct of the members of the PAC and any of its sub-committees shall be governed by Title 2.04 of the City Code. The initial terms of the members, as well as all other PAC procedures shall be established under the PAC's established operating procedures, provided that nothing in the operating procedures shall conflict with Title 2.04 of the City Code.

D. Conflict of Interest. This paragraph supplements the City's Ethics Ordinance, Chapter 2.92 of this Code. A PAC member or a member of a PAC sub-committee having a financial interest in the outcome of any policy, decision, or determination before the PAC or PAC sub-committee on which the member serves shall, as soon as possible after such interest becomes apparent, disclose to each of the other members voting on the matter the nature of the financial interest in the issue, and such member shall be disqualified from participating in any debate, decision or vote relating thereto.

E. The PAC shall have the following duties and responsibilities associated with the administration of the public art program, and when required by this section or any other city ordinance, the PAC's decisions and recommendations will be subject to the review by and recommended approval of the museums and cultural affairs advisory board, or the city council:

1. Recommend written regulations as are necessary to carry out the purpose of this section. The regulations shall include, but not be limited to, criteria for the selection of artists and works of art and maintenance of a file of the works of art that are in the public art collection.
2. Make recommendations regarding the commission of artworks, the review of the design, and the placement of artworks and the removal of artworks from the public art collection.
3. Subject to the review and approval of the museums and cultural affairs advisory board, the PAC shall make recommendations regarding the designation of sites for the implementation of the public art program, the determination of the scope and budget of public art projects, and the oversight of the artist selection process.
4. Make recommendations for the selection of artist selection panels who will recommend artists and artworks to be funded from the capital improvements program as provided for in Subsection C.1 of 2.40.070. The artist selection panels are to be composed of three (3) to seven (7) persons who are professionals in the visual arts and design fields and members of the community, and must include one member of the PAC.
5. Make recommendations to the MCAAB for public art projects to be funded from the capital improvements program as provided for in Section II. Subsection C.1.

6. Make recommendations on the acquisition of works of art to include in the public art collection from funding sources other than the capital improvements program for city-owned facilities, except works of art acquired for the permanent collections of or exhibitions within the El Paso Public Library, the El Paso Museum of Art, El Paso Museum of Archaeology, and the El Paso Museum of History.
7. Make recommendations for programs to educate the community on the public art program and make recommendations programs and activities to further the development and public awareness of art in public places.
8. Make recommendations regarding works of art proposed to be acquired or donated to the city, as gifts or long-term loans, for placement on municipally owned property, except works of art acquired for the permanent collections of, or exhibitions within, the El Paso Public Library, the El Paso Museum of Art, the El Paso Museum of Archaeology, and the El Paso Museum of History, and the Mexican American Cultural Center.

F. Selection Process.

1. MCAD, with appropriate feedback from the PAC, will assemble artist selection panels to review project proposals and recommend artists to the PAC. The PAC will review recommendations and create the annual public art plan to be presented, through MCAD, to the Museums and cultural affairs advisory board for review and approval, which will then be presented to the city council for review and approval.
2. For works of art that are commissioned and are listed in the annual public art plan, artists will be selected by the approved artist selection process stated in the annual public art plan in accordance with the written regulations for the criteria for selection of artists and works of art.
3. For all works of art, the PAC shall consult with the department that oversees the site where the work of art will be located and involve them in the artist and art selection process in the manner that appears most feasible.
4. In addition to works of art that are on the annual public art plan, the PAC may recommend purchasing a completed work of art, commissioning a work of art, holding a competition to select a work of art, or creating some other timely and appropriate mode of selection. These items will be presented, through MCAD, to the city manager or city council as appropriate under city ordinances.

G. Selected works of art.

1. The work of art may be an integral part of a structure, attached to a structure or detached from the structure within or outside of it. It may also be located on municipal grounds where there are not structures.

2. Any work of art that is chosen must comply with the following standards in addition to any regulations, guidelines, and timetables approved by city council for the public art program:

- a. The work of art must be located in a public place with visibility and impact.
- b. Works of art funded by general obligation bonds, revenue bonds, or certificates of obligation shall have a permanence at least comparable to the lifetime of the project and shall be likely to remain a thing of value for this time period. Works of art funded from other sources may be permanent or temporary.
- c. The work of art shall enhance the environment of the City of El Paso.

H. Ownership and maintenance of works of art

1. The city shall have absolute, unrestricted rights incidental to its full ownership of the final artistic work to alter, change, modify, destroy, remove, move, replace, transport, or transfer in whole or in part, the final artistic work when the city deems necessary within its discretion in order to exercise the city's powers and responsibilities in regard to public works and improvements, in furtherance the city's operations or for any other good cause. The artist may retain copyright and other intellectual property rights in and to the final design and the final artistic work itself. The artist shall grant to the city a perpetual, irrevocable license to graphically depict or display the final artistic work for any non-commercial purpose whatsoever.
2. Maintenance of works of art shall be the responsibility of the city, not the artist, and the city shall commit to keeping them in well-maintained condition. The city may request as part of the contract process that the artist or artist team, include maintenance provisions for a term of one-year that includes repairs. The artist, or artist team, will also be required to provide a maintenance manual and the artist will be allowed first-refusal rights on repair contracts with a fair-market rate of remuneration.