

ORDINANCE NO. 1173

AN ORDINANCE CREATING AN ARTS AND CULTURAL DISTRICT PURSUANT TO THE NEW MEXICO STATE ENABLING LEGISLATION; SETTING DISTRICT BOUNDARIES; PROVIDING FOR ARTS AND CULTURAL DISTRICT GOVERNANCE, INVESTMENT AND ASSISTANCE; A MANAGEMENT COUNCIL; FORMALLY RECOGNIZING AND PROVIDING FOR ADMINISTRATIVE OPERATIONS; REQUIRING A REPORT TO TOWN COUNCIL.

WHEREAS, the State of New Mexico established enabling legislation in 2007 for municipalities to develop an economic strategy to create a market-niche, based on the unique arts and cultural assets within a given district boundary. The process established by the State of New Mexico for municipalities to be considered for authorization was a competitive application process by a local group of organizational partners within the district, which included an official representative of the municipality. Proposals were evaluated based on a set of criteria established in the application process and recommendations for acceptance made to the New Mexico Arts Commission, the body designating as the “authorizing” entity for New Mexico Arts and Cultural Districts;

WHEREAS, the legislation establishes the following criteria for the local Arts and Cultural District and the municipality:

- (1) be in a geographically contiguous area that ranges in size from a portion of a municipality to a regional district with a special coherence;
- (2) be distinguished by physical and cultural resources that play a vital role in the life and development, including economic and cultural development, of a community;
- (3) focus on a cultural compound, a major art institution, art and entertainment businesses, an area with arts and cultural activities or cultural or artisan production; and
- (4) be engaged in promotion, preservation and educational aspects of the arts and culture of that locale and contribute to the public through interpretive, educational and recreational use;

WHEREAS, the intent of the state of New Mexico’s State Coordinator and the New Mexico Arts Commission as defined in the state application instructions for authorization as a State Arts and Cultural District is:

“To enhance the local economy of a downtown district by creating a sustainable Arts & Cultural District through local and state partnerships utilizing incentives and technical assistance that result in a comprehensive and cohesive strategy with place-based arts and culture as an economic market niche.”

WHEREAS, the State’s purposes for authorizing and investing in said Districts are:

- a. To support local community efforts in developing the Creative Economy by leveraging federal, state and local resources supporting local Artists, Artisans, Craftspeople, Cultural Entrepreneurs and Cultural Institutions through the development of an Arts and Cultural District;
- b. To assist local authorized Arts and Cultural Districts with a targeted strategy and initiative to build and enhance their informal arts and cultural economies;
- c. To provide affordable, accessible, space for the production, development, practice, performance, interpretation, exhibition and education of all arts and cultural activities as defined by the purposes of the local Arts and Cultural District Steering Committee within the district's boundaries;
- d. To assist the local community and its Steering Committee with Technical Assistance in physical planning, cultural planning, capacity building for sustainability of the district and its Steering Committee, and to Market and Brand the District as a destination;
- e. To provide a state-wide branding and marketing campaign to cultural and heritage tourists for authorized Arts and Cultural Districts;
- f. To rehabilitate, conserve, preserve and interpret the District's physical built environment, cultural properties and assets;
- g. To provide affordable, live/work, mixed-use, adaptive reuse properties for artists, artisans, crafts people and cultural entrepreneurs within the district;
- h. To provide incentives for historic preservation and restoration of buildings and cultural landmarks within the District through additional state tax credits available for state-approved restoration projects;

WHEREAS, the local Arts and Cultural District Steering Committee has been given notice by the New Mexico Arts Commission and the State Coordinator of Arts and Cultural Districts that its application proposal has been accepted and that the proposal for a New Mexico Arts and Cultural District has been "Authorized".

WHEREAS, per the letter of notification from the New Mexico State Arts Coordinator the following conditions of authorization by the New Mexico Arts Commission have been established:

- i. The term of state authorization shall be reviewed annually by the New Mexico Arts Commission.
- j. For the initial two-year start up period the local ACD Steering Committee and the Arts and Cultural District shall receive technical assistance and services from the state. The local Arts and Cultural District Steering Committee is responsible for establishing benchmarks and performance measures for economic development utilizing arts and culture as a market-niche strategy for the district and the local Steering Committee and, report the success of the local Steering Committee in meeting those benchmarks and performance measures to the New Mexico Arts Commission to maintain state authorization
- k. The state authorization requires the Town Council with the local Arts and Cultural District Steering Committee to set the boundaries of the "authorized" Arts and Cultural District, and the economic development purposes for which said district

is created.

- l. The local Arts and Cultural District Steering Committee of the Arts and Cultural District has developed a cultural plan and geographic boundaries for the district to be adopted by the Town Council.
- m. The local Arts and Cultural District Steering Committee of the Arts and Cultural District and local MainStreet organization will develop and adopt, with the Town Council and Town Administration, a Downtown Master Plan for the Arts and Cultural District.

WHEREAS, the Town Council has received from the Arts and Cultural District Steering Committee the boundaries and purposes of said Arts and Cultural District as approved by the State Coordinator of New Mexico Arts and Cultural Districts, authorizing the Town Clerk to provide notice of a meeting on the boundaries and purposes, and directing the Arts and Cultural District Steering Committee to provide a recommendation to the Town Council regarding the creation of the Arts and Cultural District as proposed, or as amended, after public meeting;

WHEREAS, the Arts and Cultural District Steering Committee has forwarded to the Town Council its boundaries and purposes, a copy of the map of said boundaries and the economic development purposes statement for the Arts and Cultural District which is attached to this ordinance as Exhibit A, and its recommendation to create the district in accordance with the State of New Mexico's enabling legislation for the creation of such districts;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, that:

SECTION 1. DISTRICT BOUNDARIES AND CREATION.

(A) The Arts and Cultural District is designated by municipal ordinance, as provided for by the Town of Silver City.

(B) The overall boundary of the Arts and Cultural District includes parts of the historic downtown districts; historic neighborhoods and parks; and sections of Western New Mexico University campus.

Town Council may approve the addition or deletion of contiguous areas to the Arts and Cultural District, upon a recommendation of the Arts and Cultural District Steering Committee of the Arts and Cultural district in conformance with state enabling legislation and the criteria as set forth in the original application to the state, and so long as the entire District does not exceed one square mile. All properties, cultural institutions, cultural enterprises, artists, artisans and craftspeople within the boundaries shall be included within the Cultural Plan and the Downtown Action Plan for the District (See attached Exhibit A: Arts and Cultural District boundary).

(C) The Arts and Cultural District shall operate continuously, subject to Town Council review and re-designation every five years and upon annual review and continued authorization with the New Mexico Arts Commission. The New Mexico Arts Commission has the authority to de-authorize an Arts and Cultural District for failure to meet the standards established for authorization. The local Arts and Cultural District Steering Committee shall provide a report to

the Town Council annually identifying progress made by the ACD Steering Committee in the development of the District, such report shall include:

- a. Projects, activities and programs meeting the purposes of the District.
- b. Performance measures and benchmarks as reported annually to the New Mexico Coordinator of Arts and Cultural Districts and the New Mexico Arts Commission.

SECTION 2. STEERING COMMITTEE; RESPONSIBILITIES, TERMS, DUTIES.

(A) The local Steering Committee of the Arts and Cultural District shall be designated the management committee of the District.

(B) The Arts and Cultural Steering Committee will work with the Town of Silver City to move projects forward and the Community Development Director of the Town of Silver City will maintain representation on the Arts and Cultural Steering Committee.

(C) The responsibilities of the local Steering Committee of the Arts and Cultural District shall be:

- a. finances for the operation of the District Steering Committee and its staff;
- b. oversight of staff and volunteers;
- c. capacity building of the district's leadership;
- d. sustainability of the Steering Committee and the District in terms of both human and financial resources;
- e. the development and implementation of the District's Cultural Plan and the Downtown Action Plan;
- f. work with the municipality to create municipal incentives for the development and support of the District and the purposes and priorities of the Cultural Plan and the Downtown Action Plan;
- g. marketing and promotion of the district and nearby areas for cultural and heritage tourism; and,
- h. all reporting and documentation about the operations of the district, its staff and volunteers, as required by the municipality, the state and federal government partners, and any other partnering agencies and institutions requesting such information

(D) The local Silver City MainStreet organization as a 501(c)3, shall act as the fiscal agent for the local Arts and Cultural District Steering Committee.

(E) The local Steering Committee of the Arts and Cultural District shall prepare and file annually, for its review and approval, a budget that is in accordance with the Cultural Plan, and a progress report for the improvement of the district for submission to Town Council.

(F) The management committee shall advocate for improvements within the improvement district, in accordance with the Arts and Cultural District Cultural Plan and Downtown Action Plan.

SECTION 3. ADMINISTRATIVE OPERATIONS.

(A) The services provided by the Arts and Cultural District shall be in addition to, and an enhancement of those public services that the municipality furnishes within the ordinary course

of its operations to the district area.

SECTION 4. SEVERABILITY CLAUSE.

If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect five days after publication in full.

SECTION 6. SUNSET CLAUSE. In the tenth year from date of adoption, this Ordinance shall expire and will require formal action by Town Council to renew.

PASSED, ADOPTED AND APPROVED by vote of the Council of the Town of Silver City, Grant County, New Mexico, this 23rd day of November, 2010.

TOWN OF SILVER CITY

/s/

(Seal)

James R. Marshall, Mayor

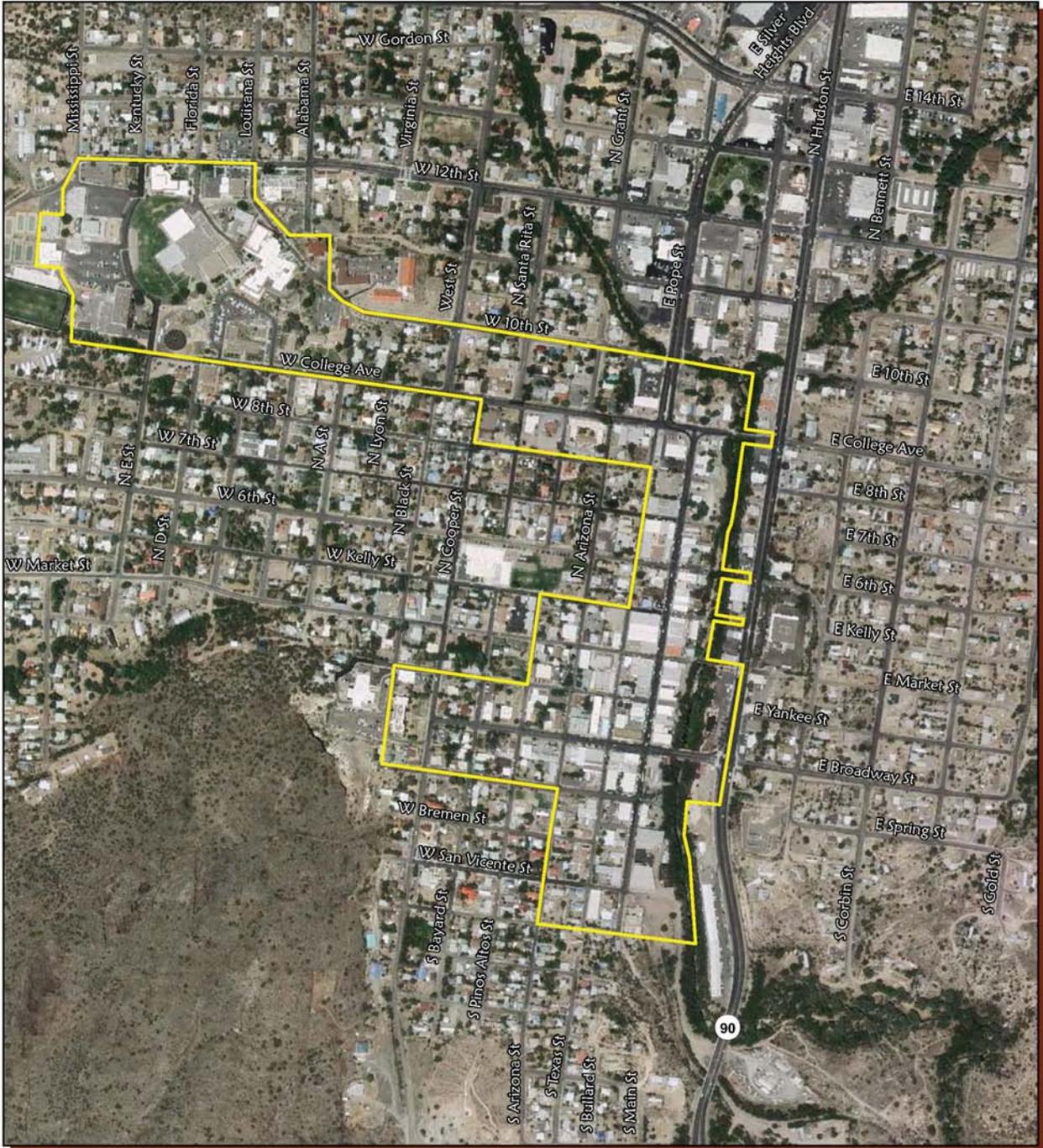
ATTEST:

/s/

Ann L. Mackie, Town Clerk

EXHIBIT A

Silver City Downtown Action Plan



Arts and Cultural District

 Arts and Cultural District

