

M E M O R A N D U M

**TO:** Mayor Laurel Lunt Prussing and Members of the Urbana City Council

**DATE:** April 9, 2008

Thank you for your time and attention to the proposed Public Arts Program.

Attached is a revised ordinance - a clean version and a version that tracks changes. In the second, I tried to highlight substantive changes to the original March 10th ordinance; in red are changes the Mayor made (March 21st version) and blue are changes I have made.

This revised ordinance makes changes based on conversations with the Mayor. It:

- Removes the dollar figure goal;
- Sets the bar of 750K for the Percent for Arts program (rather than 500 K);
- Removes the 1/2% addition for maintenance to the Percent for Arts program and replaces it with language to fund maintenance on a case by case basis.
- Clarifies that selections will be proposed by temporary selection committees;
- Provides council confirmation powers for permanent works of art over \$5,000.

I am preparing a motion as well to accept the Public Arts Program document with the original funding goal of \$3 per capita and a list of changes necessary so that the program matches the ordinance we are considering.

Please feel free to contact me with any questions or comments you may have.

Danielle Chynoweth  
Urbana City Council, Ward 2

**AN ORDINANCE ESTABLISHING A PUBLIC ARTS COMMISSION AND  
PUBLIC ARTS PROGRAM FOR THE  
CITY OF URBANA, ILLINOIS**

April 9, 2008

**DRAFT**

WHEREAS, art, in all its many forms, is essential to the vitality of our city, bolstering quality of life, economic development, public safety, academic performance, and social tolerance;

WHEREAS,,many cities throughout the United States have adopted public arts programs recognizing the need for public support and contribution to the arts that; and

WHEREAS, the Urbana City Council adopted Common Goals in June of 2006 which included:

- the establishment of a dedicated revenue stream for public art;
- the preservation and commemoration of local and multicultural traditions and histories;
- the integration of art into every feasible public works project--to promote functional and streetscape art;
- to create a program that represents our community in all its diversity—in terms of race, geography, gender, class, sexual orientation, belief-system, etc.;
- to develop a strong public collection of artworks representing diverse communities, artistic styles, and disciplines;
- to provide opportunities for local and national, established and emerging artists in Champaign County; and
- the establishment of a public arts commission; and

WHEREAS, the Urbana Mayor appointed and the City Council approved the Urbana Public Arts Task Force to study and make recommendations on the creation of a public arts commission and program; and

WHEREAS, the Urbana Public Arts Task Force has recommended the creation of a public arts commission and program and adopted goals to

- maintain a dedicated and broad-based revenue stream for the arts;
- foster a conducive environment for established and emerging artists to thrive in Urbana;
- support life-long learning in the arts;
- create conditions for equity and participation in programs of artistic excellence that are accessible, affordable, and diverse;
- promote inquiry and confluence amongst Urbana residents, bringing the arts to bear on pressing social issues;
- encourage relationships among artists and the public to further Urbana's cultural development and fund their cultural contributions;
- integrate art into the urban environment, creating a sense of place and purpose;

- invigorate downtown -- economically and culturally – through the arts;
- preserve and commemorate local and multicultural traditions and histories through the arts in its many forms; and to encouraging emerging artists and art forms; and

WHEREAS, the Urbana City Council wishes to establish such a Public Arts Commission and Public Arts Program;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

**Urbana Public Arts Program; establishment.**

The City Council hereby establishes the Urbana Public Arts Program as set forth herein.

**Definitions.**

As used in this ordinance:

The "Arts" and "Art" as used in this program description includes but is not limited to creative writing, dance, film/video, music, theatre, visual arts, crafts, performing arts, spoken word, environmental arts, multimedia arts, architectural arts, landscape architecture, and emerging media.

"Construction Cost" means original budgeted cost of construction or alteration of the structure or the project itself, excluding land, engineering and administrative costs, cost for fees and permits, fixtures, furnishings, streets, sewers, similar accessory construction, and indirect costs, such as interest during construction, advertising and legal fees.

"Construction or alteration" means construction, rehabilitation, renovation, remodeling or improvement.

"Municipal building" means all municipal buildings except service facilities not normally visited by the public.

"Municipal building project" means a construction project which involves the construction or alteration of a municipal building with an original budgeted construction cost of \$750,000 or more.

**Commission.**

The Urbana Public Arts Commission is hereby established.

**Mission.**

The Urbana Public Arts Commission recognizes the arts as essential to the vitality of our city. The Commission fosters a dynamic, innovative Urbana, where all residents—emerging artists, established artists, and "non-artists" alike—may engage with the arts in its many forms and where artists thrive and are valued.

### **Composition, appointment.**

The Urbana Public Arts Commission shall consist of nine (9) members appointed by the Mayor, and approved by the Council, from constituencies representing various segments of the community which have experience, expertise, or interest in the areas of the arts, arts education, planning, neighborhood organizing, event planning, business, or another related field. Members shall be chosen from a diverse range of backgrounds, occupations, and artistic venues, with the intention of reflecting the full diversity of the Urbana arts community. In the making of appointments hereunder, the Mayor may receive recommendations from civic groups.

All members shall be voting members.

### **Quorum.**

Five (5) members shall constitute a quorum.

### **Terms of members; absence of member.**

(a) The initial terms shall be as follows. There shall be four (4) members whose terms expire June 30, 2009, and five (5) members whose terms expire June 30, 2010. Subsequent appointments shall be made for terms of three (3) years, or until their successors are appointed and approved by the City Council. Within sixty (60) days following the expiration of the term of each of those commissioners, a successor shall be appointed by the Mayor with the approval of the Council, and the successor shall serve for a term of three (3) years.

(b) If a commissioner resigns or is removed from the commission, a successor shall be appointed by the Mayor with approval of the City Council and shall serve for the unexpired period of the vacated term.

(c) These members of the commission may be removed by the Mayor for good cause with the approval of a majority of Council present and voting. Absence from all meetings in three (3) consecutive months may be considered to be prima facie good cause.

### **Meetings.**

(a) The Public Arts Commission shall meet at least quarterly, on call of the chairperson or of any five (5) members.

### **Chairperson.**

The Mayor shall designate the chairperson of the commission.

### **Functions and duties generally.**

The functions and duties of the Urbana Public Arts Commission are limited to those set forth in this ordinance, and as specifically set forth in any other duly enacted ordinance. Nothing in this ordinance shall be construed as vesting legislative or budgetary discretion or power in the Commission.

## **Duties.**

The Urbana Public Arts Commission shall adopt its rules of procedure for whatever regular and special meetings are deemed by the Commission to be advisable and necessary to the fulfillment of the duties of the commission.

The roles and responsibilities of the Commission may include, but not be limited to, the following:

- (1) To explore and recommend to the Mayor, City Council, City staff, and other groups, ways to further the development of, and interest in, the arts and the local cultural heritage, as well as to offer advice on relevant city projects;
- (2) To propose to the Mayor and City Council an Annual Public Arts Program Plan that identifies specific program goals for the year, means of achievement, proposed expenditures, sources of supplemental revenue, schedule of execution, necessary resources and responsibilities, and an implementation plan to address the goals;
- (3) To propose to the Mayor and City Council policies regarding the selection of proposed public arts projects such as the involvement of artists in selected building projects, criteria for artist and site selection, evaluation criteria for all programs, and other policies relevant to the Public Arts Program. Such policies should reflect the following three priorities:
  - a) Community accessibility to the arts;
  - b) Artist accessibility to resources; and
  - c) Opportunities for collaboration and partnerships
- (4) To review relevant proposals and assist in the process by which artists, arts organizations, neighborhood organizations, businesses, developers, merchant associations, charitable foundations, or any other member of the general public proposes and creates projects in the arts which are located in public places owned and maintained by the City of Urbana;
- (5) To convene temporary selection committees to review and recommend proposals to Urbana's Public Arts Program for approval by the commission.
- (6) To approve selected proposals. In the case where an art piece, valued at greater than \$5,000, is to be permanently installed on public property, the Commission shall forward approved proposals to council for confirmation;
- (7) To oversee subject to provisions under the section on Administration, the receipt, purchase, maintenance, dispossession, and de-accession of works of art to be placed on municipal property;
- (8) To research and seek additional funding including donations, grants and other support to further expand public arts programs;
- (9) To encourage public participation in local artistic and cultural events and programs;
- (10) To cooperate with other entities on matters regarding the arts;
- (11) To offer educational programming to the public regarding the arts;

- (12) To coordinate events and outreach related to the arts;
- (13) To recommend updates to the public arts ordinance;
- (14) To take such other actions as the Mayor and City Council may direct from time to time.

**Sub-committees, Selection Committees.**

The Public Arts Commission shall appoint sub-committees as deemed necessary. Sub-committees and selection committees shall serve in an advisory capacity to the Public Arts Commission.

**Compensation.**

No member of the Public Arts Commission, or any appointed sub-committee, shall receive compensation for his or her services. Members of the committees who are city employees shall receive only such compensation as is set forth as salary and benefits in the annual appropriation ordinance.

**Dedication.**

Every budget for the construction or alteration of a municipal building, which involves the construction or alteration of a municipal building with an original budgeted cost of construction of \$750,000, or more, to which there is or will be public access built for or by the City of Urbana, shall provide that at least one percent of the original budgeted cost of construction, shall be appropriated and deposited in the Public Arts Fund for the purchase, or commission, of art to be located in a public area in, upon, or adjacent to such building, provided; except that if it would be inappropriate to display art at that location, said one percent shall be used for the acquisition or commission of art to be located in a public area in, upon, or adjacent to or in close proximity to other municipal buildings. This provision, however, shall not apply to any building or project constructed with funds which exclude public art as an eligible cost. At the time of project approval, adequate additional funds for the maintenance, and preservation of the subject art shall be put aside into the Public Arts fund.

**Public Arts Fund.**

A Public Arts Fund is hereby created to serve as an account through which funds from the city, outside grant monies, private and corporate donations for the arts, and other revenue sources can be received, collected, and distributed.

**Administration.**

The Urbana Public Arts Commission shall have the authority to select works of art, remove works of art previously displayed based on a de-accession policy, promulgate criteria for selection of works of art and artists and maintenance, and take any other action necessary to carry out its purposes for projects as described in the section on Duties, in accordance with the annual budget and subject to all ordinances of the City of Urbana.

The Community Development Services Department, under the in coordination with Public Arts Commission, shall administer the Public Arts Program and all Public Arts Program projects, including artwork(s) received as gifts to the City of Urbana. The Community Development Services Department shall be the contracting officer for commission or purchase all works of art after consultation with the Public Arts Commission.

In the event that a program or project requires resources in excess to those allotted annually through the budget process, the Public Arts Commission shall recommend to the Mayor and City Council that the Community Development Services Department prepare a budget amendment to be presented to City Council for approval before executing programs or projects beyond those described in the annual budget.

This Ordinance shall be in full force and effect from and after its passage and approval according to law.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

AYES:

NAYS:

ABSTAINS:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2008

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WHEREAS, the Urbana City Council adopted Common Goals in June of 2006 which included:

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Deleted: . In addition, in the event that funding for administration, maintenance, documentation, and preservation is not otherwise budgeted in the City, up to an additional one half percent will be appropriated and deposited in the Public Arts Fund for administration, maintenance, documentation, and preservation of the subject art.

**Public Arts Fund.**

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**Administration.**

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This Ordinance shall be in full force and effect from and after its passage and approval according to law.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

AYES:

NAYS:

ABSTAINS:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2008