

March 20, 2008

To: Lynne Barnes, Heather Stevenson, Dennis Roberts, Brandon Bowersox, Robert Lewis, Danielle Chynoweth and Charlie Smyth

From: Laurel Prussing

Re: Revised Draft of Ordinance Establishing a Public Arts Commission

Revisions

Enclosed please find a revised version that I believe complies with our legal responsibilities concerning the annual budget. While I have no problem with setting a goal of money per person, I do not believe it should be in the ordinance establishing the commission. Since the ordinance does establish a fund, there is a mechanism for accumulating money. Spending may go up or down from year-to-year depending on what special circumstances prevail.

Other changes: I have edited the original proposal submitted by the Task Force to reflect that the ordinance originates with the Council in response to a recommendation by the Task Force. Other edits are to shorten and simplify the statements of purpose while retaining the basic intent. Additional edits have been made by Ron O'Neal from the City Attorney's perspective. I also have changed the time for finding a replacement from 30 to 60 days.

Finally, I would recommend a compromise figure of \$750,000 for the level of spending on a public building which would generate the 1% set aside for art.

The Public Arts Commission needs to be an advisory body to the Mayor and Council as are our other commissions.

New Revenue

I believe that we should get new revenue to make the program sustainable. I would like to create a revenue stream for the arts by expanding and tapping into our current efforts to promote arts and entertainment. We are currently working to get additional events in the downtown and to create contracts with event promoters which will provide a share of the profits to the City. These funds can be ear-marked for the arts. One of the main responsibilities of the Commission will be to seek out other sources of additional funding.

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

March 20, 2008

DRAFT

WHEREAS, art, in all its many forms, is an essential attribute of a high quality community; and many cities throughout the United States have adopted public arts programs to enhance their communities; 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; and 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 which would create a dedicated revenue stream for the arts, foster an environment for established and emerging artists to thrive in Urbana, promote life-long participation and learning in the arts, and integrate art into the urban environment; 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. As this Commission's purpose is strictly advisory, 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, 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 that identifies specific program goals, means of achievement, possible expenditures, sources of 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, 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 assist in the review of relevant proposals and advise the Mayor and City Council 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 submit recommendations and proposals to the Mayor and City Council regarding the receipt, purchase, maintenance, dispossession, and de-accession of works of art to be placed on municipal property;

(6) To research and seek additional funding including donations, grants and other support to further expand public arts programs;

(7) To encourage public participation in local artistic and cultural events and programs;

(8) To cooperate with other entities on matters regarding the arts;

(9) To offer educational programming to the public regarding the arts;

(10) To coordinate events and outreach related to the arts;

(11) To recommend updates to the public arts ordinance;

(12) 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.

Public Arts Fund.

A Public Arts Fund is hereby created to serve as an account through which funds from 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 submit written recommendations and proposals to the Mayor and the City Council with regard to the selection of works of art; the removal of works of art previously displayed based on deaccession policies to be established by the Commission; the promulgation of criteria for selection of works of art, artists, and maintenance of said art; and the taking of any other action necessary to carry out the Commission's 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, with the advice of the 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 the Commission and for the leasing 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