

Ordinance No. 2018-12-082

**AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 2, ARTICLE VI,
DIVISION 4 – PUBLIC ARTS COMMISSION AND PUBLIC ARTS PROGRAM**

(Arts & Culture Commission and Arts & Culture Program)

WHEREAS, the City of Urbana, Illinois (hereinafter, the “City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, 5 ILCS 220/1 *et seq.*, and may exercise any power and perform any function pertaining to its government and affairs, including the power to regulate and promote public health, safety, and welfare; and

WHEREAS, The City Council believes that the promotion of artistic endeavors in all of its many forms, is essential to the vitality of the City in that such artistic endeavors bolsters the quality of life, economic development, public safety, academic advancement, and social tolerance within the City; and

WHEREAS, on September 19, 2005, the City Council adopted Common Goals that 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 Mayor of the City of Urbana 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 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, April 21, 2008, the City Council adopted Ordinance No. 2008-03-013, An Ordinance Establishing a Public Arts Commission and Permanent Public Arts Program; and

WHEREAS, the aforesaid Public Arts Commission and Permanent Public Arts Program was established and appears in Urbana City Code Chapter 2, “Administration”, Article IV, “Boards and Commissions”, Division 4, “Public Arts Commission and Public Arts Program”; and

WHEREAS, the Public Arts Commission and Public Arts Program has operated successfully within the City of Urbana for the past ten years; and

WHEREAS the City of Urbana is home to residents representing a diversity of cultures, traditions, and social identities;

WHEREAS, reflecting culture more explicitly in City programs will recognize and celebrate that diversity;

WHEREAS, the City of Urbana joins numerous cities across the country transforming public arts programs into arts and culture programs;

WHEREAS, the Public Arts Commission has recommended that the City Council adopt certain amendments to the ordinance that established the Public Arts Commission and Public Arts Program (UCC Sec. 2-94); and

WHEREAS, the City Council wishes to amend the Public Arts Commission and Public Arts Program in the manner recommended by the Public Arts Commission.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Illinois, as follows:

Section 1.

Urbana City Code Chapter 2, “Administration”; Article IV, “Boards and Commissions”; Division 4, “Public Arts Commission and Public Arts Program” shall be and hereby is amended as follows:

Division 4. - ARTS & CULTURE COMMISSION AND ARTS & CULTURE PROGRAM

Sec. 2-94. - Establishment of the Arts & Culture Commission and Arts & Culture Program.

(a) *Urbana Arts & Culture Program; establishment.* The city council hereby establishes the Urbana Arts & Culture Program as set forth herein.

(b) *Definitions.* As used in this division:

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.

Culture as used in this program description includes but is not limited to historic and contemporary traditions of performance, custom, ritual, celebration, fashion, cuisine, knowledge, storytelling, heritage, and oral transmission.

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 seven hundred fifty thousand dollars (\$750,000.00) or more.

(c) *Commission.* The Urbana Arts & Culture Commission is hereby established.

(d) *Mission.* The Urbana Arts & Culture Commission celebrates and nurtures the City of Urbana's cultural and artistic diversity.

(e) *Vision.* The City of Urbana is a place where arts and culture thrive and all community members and visitors can engage in and experience arts and culture in all of its forms. The Arts & Culture Commission and Program nurtures creative expression, celebrates diversity, builds creative public spaces, and showcases the City of Urbana as a thriving destination for arts and culture. The commission embraces and celebrates the diverse histories, beliefs, and cultures within the City of Urbana.

(f) *Composition, appointment.* The Urbana Arts & Culture 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, cultural work, 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 community. In the making of appointments hereunder, the mayor may receive recommendations from civic groups.

All members shall be voting members.

(g) *Quorum.* Five (5) members shall constitute a quorum.

(h) *Terms of members; absence of member.*

(1) 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.

(2) 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.

(3) 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.

(i) *Meetings.* The public arts commission shall meet at least quarterly, on call of the chairperson or of any five (5) members.

(j) *Chairperson.* The mayor shall designate the chairperson of the commission.

(k) *Functions and duties generally.* The functions and duties of the Urban Arts & Culture Commission are limited to those set forth in this division, and as specifically set forth in any other duly enacted ordinance. Nothing in this division shall be construed as vesting legislative or budgetary discretion or power in the commission.

(l) *Duties.* The Urbana Arts & Culture 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, arts and culture, as well as to offer advice on relevant city projects;

(2) To propose to the mayor and city council an annual arts and culture 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 arts and culture program. Such policies should reflect the following four (4) priorities:

- a. Community access to arts and culture in all of its forms;
- b. Artist access to diverse resources audiences and participants; and
- c. Opportunities for collaboration and partnerships among and between artistic and cultural groups; and

- d. Commitment to nurturing and celebrating diversity and creative expression.
- (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 arts & culture program for approval by the commission.
 - (6) To approve proposals that are not permanently placed on municipal property.
 - (7) To review and approve arts and culture grant agreements when the award to the grant recipient is in the amount of \$5,000.00 or greater so long as funds are available for and allocated for the making of one or more such grants with such approvals being undertaken in accordance with the annual budget and subject to other applicable city ordinances.
 - (8) To submit, for confirmation, proposals to the mayor and city council confirming the receipt, purchase, maintenance, dispossession, and de-accession of works of art to be permanently placed on municipal property.
 - (9) 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;
 - (10) To research and seek additional funding including donations, grants and other support to further expand arts and culture programs;
 - (11) To encourage public participation in local artistic and cultural events and programs;
 - (12) To cooperate with other entities on matters regarding the arts and culture;
 - (13) To offer educational programming to the public regarding the arts and culture;
 - (14) To coordinate events and outreach related to the arts and culture;
 - (15) To recommend updates to the arts and culture ordinance;
 - (16) To take such other actions as the mayor and city council may direct from time to time.
- (m) *Sub-committees, selection committees.* The Arts & Culture Commission shall appoint sub-committees as deemed necessary. Sub-committees and selection committees shall serve in an advisory capacity to the public arts commission.

(n) *Compensation.* No member of the Arts & Culture 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.

(o) *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 seven hundred fifty thousand (\$750,000.00), 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 (1) percent of the original allocated and utilized 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 in such manner as directed by the city's finance director.

(p) *Administration.* The Urbana Arts & Culture 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, in coordination with the Arts & Culture Commission, shall administer the arts & culture program and all public arts & culture 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 Arts & Culture Commission.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

Section 2.

This Ordinance shall be effective upon its adoption by the City Council and signature by the Mayor.

Section 3.

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or

provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 4.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities.

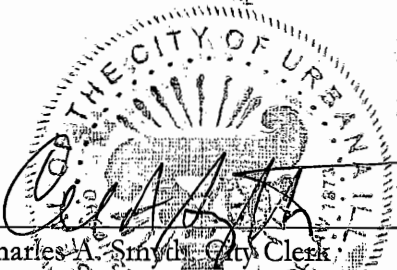
This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this 17th day of December, 2018.

AYES: Brown, Jakobsson, Miller, Roberts, Wu

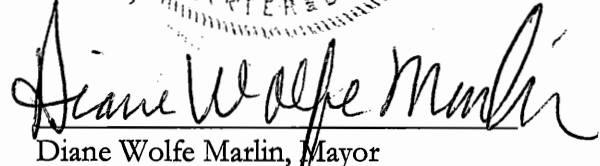
NAYS:

ABSENTIONS:



Charles A. Smyth
Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this 19th day of December, 2018.



Diane Wolfe Marlin, Mayor



CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 17th day of December, 2018 the City Council of the City of Urbana passed and approved Ordinance No. 2018-12-082, entitled:

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 2, ARTICLE VI, DIVISION 4 – PUBLIC ARTS COMMISSION AND PUBLIC ARTS PROGRAM (Arts & Culture Commission and Arts & Culture Program)

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2018-12-082 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 20th day of December, 2018, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 20th day of December, 2018.



Charles A. Smyth, City Clerk