Chapter 18.07 Funds for Works of Art in Public Places

Sections

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FUNDS FOR WORKS OF ART IN PUBLIC PLACES

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18.07.010 Purpose. The State has recognized through the enactment of AS 35.27.010, and the City of Homer hereby recognizes by the enactment of this chapter, the responsibility of government to foster the development of culture and the arts through the purchase or commissioning of works of art for municipal buildings and facilities. It is therefore declared to be municipal policy that a portion of appropriations for capital expenditures for municipal buildings and facilities be devoted to the acquisition of works of art to be permanently placed or incorporated in such buildings or facilities. (Ord. 02-25(A), 2002.)

18.07.020 Definitions. The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:
"Art" and "work of art" mean all forms of original creations of visual art, including but not limited to the following:
1. Sculptures: in the round, bas relief, high relief, mobile, fountain, kinetic or electronic, in any material or combination of materials.
2. Painting: all media, including portable and permanently affixed works, such as murals.
3. Graphic arts: printmaking and drawing.
4. Mosaics.
5. Photography.
6. Crafts: in clay, fiber and textiles, wood, metal, plastics and other materials.
7. Calligraphy.
8. Mixed media: any combination of forms or media, including collage
"Construction, remodeling or renovation of municipal buildings and facilities" means any capital improvement projects paid for wholly or in part by the municipality to build, rebuild or improve any decorative or commemorative structure, park or parking facility or any building.
"Total cost of construction, remodeling or renovation" means the total allotted funding for the subject project at the time of award of contract, exclusive of the costs of land acquisition, site investigation, and environmental clean up or remediation. (Ord. 02-25(A), 2002.)

18.07.030 Art funding requirements for public buildings and facilities. a. Plans and specifications for the original construction, remodeling or renovation of municipal buildings and facilities resulting in proposed capital expenditures exceeding the sum of $250, 000 shall contain and provide for the inclusion of works of art of a value of one percent of the total cost of the construction, remodeling or renovation project. All appropriations for capital improvements falling within the provisions of this chapter shall be deemed to include funding to implement the requirements of this section.
b. If there is a change in the total cost of the project resulting from a change order or amendment to the project budget after the time of the award of the contract, the amount of funding for the artwork will not be changed.

c. Expenditure of sums required to be allocated to works of art under subsection 18.07.030 (A) shall be limited to all costs associated with design, construction, acquisition and royalties for the works of art, excluding all contract administration and project administration costs.
d. Municipal funding of art projects for capital expenditures will be capped at $70,000.00 (seventy thousand dollars). Art projects for capital expenditures exceeding $7,000,000.00 (seven million dollars) will not be greater than $70,000.00 (seventy thousand dollars) unless funding beyond $70,000.00 (seventy thousand dollars) is from private contributions.
e. Private funding contributions for art projects in public buildings is encouraged and this funding is not considered part of the one percent. (Ord. 02-25(A), 2002.)

18.07.040 Implementation. a. During the preliminary design review of any project for construction, remodeling or renovation covered by this chapter any contractor, department or instrumentality of the municipality charged with the design preparation of this project shall consult with the Public Arts Committee regarding the implementation of section 18.07.030(A).
b. The Public Arts Committee may adopt, and from time to time amend regulations setting forth the manner in which the requirements of this chapter shall be carried out, which shall be effective upon approval by City Council resolution.
c. The requirements of section 18.07.030(A) shall not be waived except as provided for in section 18.07.070. (Ord. 10-55(A) §2, 2011; Ord. 02-25(A), 2002.)

18.07.050 Selection. a. Where works of art are to be incorporated in the construction, remodeling or renovation of a city building or facility or its grounds, such works of art shall be selected and recommended to the Council for approval by a jury consisting of the architect or project designer, a representative of the user department, a representative of the Public Arts Committee and such additional persons that the Public Arts Committee may designate, subject to Council approval.
b. Where works of art are to be commissioned or acquired, but not incorporated in the construction, remodeling or renovation of a city building or facility or its grounds, such works of art shall be selected and recommended to the Council for approval by a jury of at least three members consisting of a representative of the user department, one or more members of the Public Arts Committee and such additional persons that the Public Arts Committee may designate, subject to Council approval. (Ord. 10-55(A) §3, 2011; Ord. 02-25(A), 2002.)

18.07.070 Exemptions. The City Council may waive the requirements of this chapter in whole or in part as to the construction, remodeling or renovation of a city the building or facility upon a finding by the Public Arts Committee or City Manager that the inclusion of works of art in the construction, remodeling or renovation as required by this chapter would not provide any aesthetic benefit to the community or to the principal users of the building or facility.(Ord. 10-55(a) §5, 2011; Ord. 02-25(A), 2002.)

18.07.080 Miscellaneous provisions. a. Sums allocated for the acquisition of works of art under the provisions of this chapter shall be deemed to be part of the construction costs of the project.
b. Where federal or state grant funds are to be used to match municipal funds for a construction, remodeling, or renovation project covered by this chapter, the grant application shall, where applicable and where permitted by the granting authority, be made for the total cost of such project, including portions to fund works of art under this chapter. Unless prohibited by the terms of such grants, any money received may be used to implement the requirements of this chapter. (Ord. 02-25(A), 2002.)

18.07.090 Public art fund. a. A public art fund is established as a separate, interest bearing account in the city general fund to receive money for the public art program from the following sources:
1. Funds for public art fees received from private development.
2. Funds donated to the city for public art.
3. Other funds appropriated by the council for public art.
b. Money in the public art fund shall be used solely to pay the costs of selecting, commissioning, acquiring, installing, maintaining, public education regarding, administrating, removing and insuring the works of public art, and any other expense related thereto.
c. Interest earned on money in the public art fund shall be deposited in the public art fund.
d. The public art fund is administered by the city with the advice of the public arts committee.
e. The public arts committee annually shall prepare a plan for expenditures from the public art fund for approval by the city council.(Ord.09-51(A) §1, 2009)

18.07.100 Ownership and management of works of public art. a. Ownership of all works of art acquired by or on behalf the city shall be vested in the city.
b. The city shall place or construct public art at locations that are open to the public and where the public art shall be visible to the general public during, at a minimum, normal business hours.
c. The removal from display by the city of public art owned by the city shall follow established guidelines for de-accessioning and shall be subject to review and recommendation by the public arts committee with final approval by the Council. (Ord. 09-51(A) §2, 2009.)

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