

CHAPTER 44

LINN COUNTY ORDINANCE TO ESTABLISH THE LINN COUNTY PUBLIC ART COMMISSION TO DIRECT FUNDING FOR THE INCLUSION OF WORKS OF ART IN CAPITAL IMPROVEMENT PROJECTS (LINN COUNTY PUBLIC ART COMMISSION ORDINANCE)

Ordinance # 1-1-2010

Repealer: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Severability Clause: If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of either the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Effective Date: This ordinance shall become effective January 17, 2010, or upon publication, whichever is later.

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TABLE OF CONTENTS

44.1 Purpose

44.2 Definitions

44.3 Creation of the Linn County Public Art Commission (PAC)

44.4 Duties of the Linn County Public Art Commission (PAC)

44.5 Conflicts of Interest

44.6 Creation of the Public Art Procurement Account and Public Art Reserve Account

44.7 Use of Funds

44.8 Linn County to Retain Ownership of Artwork

44.1 Purpose.

It is declared to be in the general public welfare of Linn County to provide support and direction for public art. Public art can expand the public's experience of their community with works of art in public places. Public art can promote the cultural heritage and aesthetic development in the county, enhance the county's character and identity, advance civic engagement and accessibility to public spaces. This policy is therefore developed to establish the Linn County Public Art Commission to direct funding for the inclusion of works of art in capital improvement projects.

44.2 Definitions.

"Capital improvement project" means any capital improvement project involving public funds designated to build county buildings or to renovate or rebuild county buildings with an estimated budget in excess of \$50,000

"County building" means any permanent structure wholly or partially enclosed which is intended to provide offices, courtrooms, hearing and meeting rooms, storage space and other facilities for carrying on the functions of a county

department which are intended for the use or accommodation of the general public or county employees; together with all grounds and appurtenant structures and facilities provided it shall not include, maintenance sheds, separate garages, cellhouses or other secure sleeping facilities for prisoners, buildings used solely as storage or warehouse facilities.

“Construction costs” means the total estimated cost for the for the capital improvement project including the cost of design, engineering, contingency, fixtures and construction.

“Maintenance of Public Art” means costs associated with cleaning, repairing, weatherproofing public artworks and structural elements connected to such artworks as well erection of protective features necessary to maintain the integrity of public artwork

“Public art” shall mean original works of art which may include sculpture, fountains, bas-reliefs, mosaics, frescoes, wall hangings, crafts, photography, pictures or other enhancements to be integrated into the total environment of the building. Public art does not include incidental functional structural elements, or hardware and other accessories.

“Public Art Commission” (PAC) means a nine (9) member commission appointed for the purpose of gathering information and making recommendations regarding the expenditure of funds from the Public Art Fund.

“Public Art Allocation” means the amount of funds identified on a line item in the project budget for an eligible project that shall be allocated to the Public Art Fund for use in accordance with this Chapter.

“Public Art Fund” means a specially designated fund created to hold to any funds designated by the Public Art Allocation and funds received as gifts or grants made to the to the Public Arts Commission.

“Qualified capital improvement project” means any capital improvement project involving public funds designated to build county buildings or to renovate or rebuild county buildings which has been designated by vote as a qualified capital improvement by the Board of Supervisors.

44.3 Creation of the Linn County Public Art Commission (PAC).

- A. The Linn County Public Art Commission (PAC) shall be appointed by the Linn County Board of Supervisors.

- B. The Commission shall be composed of nine (9) members.
- C. The appointment of Commission members shall include the following:
 - i. The Commission shall consist of no more than two (2) members of the Board of Supervisors.
 - ii. Up to seven (7) art professionals who are artists, architects, landscape architects, curators or individuals with considerable experience in the visual arts.
 - iii. The remaining members should be selected from a broad spectrum of community interests.
 - iv. All members of the Commission shall be residents of Linn County.
 - a. Members of the Commission shall serve a term of three (3) year with the exception of the initial appointments as described in paragraph (b) below.
 - b. Members of the Commission shall be appointed on a staggered basis so that no more than three (3) members shall be vacant at any time. At the inception of the Commission, three members shall be appointed for three a year term, three members shall be appointed for a two year term and three members shall be appointed for a one year term.
 - c. Members shall not receive any compensation for their service.
 - d. A chair of the Commission shall be elected from among the appointed members to oversee meetings and to act as the signatory for artist contracts. The chair shall be selected on an annual basis.
 - e. Administrative staff of the Board of Supervisors Office shall be available to the Commission for assistance with the preparation of minutes and other routine administrative matters.
 - f. All meetings of Linn County PAC shall comply with the rules for public meetings.

- g. If a member misses three consecutive Commission meetings, that member may be removed from the Commission at the discretion of the Board of Supervisors.

44.4 Duties of the Linn County Public Arts Commission (PAC).

- A. The Linn County PAC shall be responsible for developing policy related to administration of funds from the Public Art Fund, including but not limited to:
 - selection of artists
 - commissioning of artwork
 - review of design and installation of artwork
 - maintenance of public artworks
 - the collection of protocols and other policies as may be deemed necessary
- B. All policies that are developed shall be reviewed and approved by the Linn County Board of Supervisors.
- C. The PAC shall have authority to develop a selection process that would give preference to Iowa artists for designated projects.
- D. Commission members shall make every effort to involve artists at the earliest possible stage of the capital improvement projects. To the extent practical, artist selection shall be completed concurrent with the selection of the architect or designer, or as soon as possible thereafter, to ensure integration of the artwork into the project architecture.
- E. The PAC may solicit funds for any project or for the maintenance of public art installations.
 - i. The PAC shall have the authority to solicit private funds for the purpose of furthering the presence of public art in Linn County buildings and facilities.
 - ii. The PAC shall have the authority to apply for grants on behalf of the PAC for purpose of assisting in administration and development of public art in Linn County.
 - iii. Any funds collected shall be managed by the Finance Director of Linn County and will be distributed at the recommendation of the PAC with the approval of the Board of Supervisors.

- F. To encourage broad community participation in the public art program and to ensure the highest quality of artwork, the Commission may solicit the participation of community representatives and professionals in the arts and design field. However, these advisors shall have not vote on matters coming before the PAC.
- G. The PAC shall advise the Board of Supervisors on issues regarding the maintenance of public art.
- H. The PAC shall make recommendations to the Board of Supervisors regarding use of funds from the Public Art Fund. The PAC has the authority to recommend the use of funds from this account for the following purposes 1) to procure art for qualified capital improvement projects; 2) to provide for maintenance of public art 3) to procure public art for existing county buildings as designated by the PAC or the Board;

44.5 Conflicts of Interest.

- A. No member sitting on the Commission may submit applications seeking funds allocated under this chapter.
- B. No member of an architectural team, or design team to which a member of the Commission belongs may submit applications seeking funds allocated under this chapter.
- C. If a sitting member has a financial interest, either direct or indirect, in any application or a familial relationship with an applicant seeking funds, that relationship shall be disclosed in writing to the Chair of the Commission and to the Board of Supervisors.
- D. A Commission member with a financial interest, either direct or indirect or a familial relationship with an applicant seeking funds shall not participate in the decision making process in regard to funds for the specific project in question.
- E. Failure to disclose a potential conflict of interest before the funding decision is completed will disqualify the applicant from receiving funds.

44.6 Creation of the Public Art Procurement Account and Public Art Reserve Account

- A. All capital improvement projects shall be presented to the Board of Supervisors prior to completion of the budget process for a vote to

determine whether the project will be designated as a qualified capital improvement.

- B. Having designated the capital improvement project as a qualified capital improvement project, the Board shall designate a percentage of the total estimated construction costs that shall be included in the county's capital improvement budget to be used for the inclusion of public art in the qualified capital improvement project.
- C. This percentage shall be 1% of the total estimated construction costs of the qualified capital improvement project, unless otherwise designated by the Board of Supervisors. This percentage will determine the Public Art Allocation for the qualified capital improvement project.
- D. The Public Art Commission (PAC), subject to final approval from the Board of Supervisors.
- E. The County's Finance Director shall establish a special fund designated as the Public Art Fund into which funds allocated as described subsection A) of this section shall be deposited. The Public Art Allocation shall be deposited into the Public Art Fund for the fiscal year that the Board of Supervisors appropriates funding for the eligible project.

44.7. Use of Funds.

- A. Funds allocated in accordance with this ordinance may be used for the selection, acquisition, commissioning, fabrication, placement, installation, exhibition and display of public art as well as ongoing maintenance costs associated with the public art.
- B. Disbursement of funds from the Public Art Fund to pay for artwork and installation shall be made in accordance with the procedures established by the County's Finance Director, and shall include the submission of an accurate and complete invoice resulting from a contract with the artist.

44.8. Linn County to Retain Ownership of Artwork.

All artwork acquired as a result of this ordinance shall be acquired in the name of Linn County and title shall remain with the county until such time as the PAC with concurrence of the Board of Supervisors shall direct otherwise.