

CHAPTER 2.94 ART IN PUBLIC PLACES PROGRAM

2.94.010 Purpose.

The purpose of this Chapter is to provide a means to fund the acquisition of works of art by the City, which art shall become the City's collection, to create a Visual Arts Commission, to provide a means to select works of art for the collection, to provide for the display of the collection and to provide for the maintenance and repair of the works of art in the collection.

(Ord. 2653, § 1, Oct. 8, 2001)

2.94.020 Definitions.

For purposes of this Chapter the following words or phrases shall be defined as set out below:

- A. *Art in Public Places* means any visual work of art displayed for two weeks or more in an open City owned area, or the exterior of any City owned facility, inside any City owned facility and areas designated as public areas, or on non-City property if the work of art is installed or financed, either wholly or in part, with City funds or grants procured by the City.
- B. *Commission* means the Visual Arts Commission ("VAC") created by Section 2.94.040 hereof.
- C. *Fund* shall mean the Art in Public Places Fund established by this chapter.
- D. *Work of Art* includes, but is not limited to, a sculpture, fountain, monument, mural, fresco, relief, painting, carving and stained glass installation. Work of Art would normally not include landscaping, paving, architectural ornamentation or signs.
- E. *Park* shall mean any greenbelt area acquired by the City of Edmond or any Public Park acquired by the City of Edmond.
- F. *Utility infrastructure* means infrastructure and supportive equipment used for utility services, as owned by the City of Edmond.

(Ord. 2653, § 1, October 8, 2001; Ord. 3806 , § 1, December 14, 2020).

2.94.030 Fund Established.

There is hereby established an Art in Public Places Fund. Said Fund shall be credited with donations from individuals, corporations, civic clubs, City of Edmond funds, grants or other charitable contributions, investment earnings, voluntary contributions from utility customers through the utility billing department, and such other funds as determined by the City Council. Said funds shall be administered by the Visual Arts Commission solely for purposes set out in this chapter. Monies credited to such account shall be expended only in connection with acquisition of works of art, maintenance and repair of works of art and direct and indirect expenses of administration of this chapter.

- A. *Art in Public Places Fund.*

-
- (1) This ordinance establishes the fund: Monies received under the ordinance, grants, donations and other sources to be utilized for projects can be pooled for larger projects or designated to a specific project.
 - (2) Funds shall accumulate: Unexpended funds and accrued interest shall be carried over and rebudgeted in the next fiscal year.

B. *Eligible Expenditures.*

- (1) **Projects:** All Art in Public Places project commission contracts shall require the artist to design, produce, deliver, and install a work of art for a guaranteed maximum cost. The cost may include the cost of the work itself and any associated cost which may be required or are inherently related to the implementation of the project. The following costs are eligible for fund monies included in the total commission contract:
 - (a) The work of art itself, including but not limited to: artists design fee, artists operating expenses related to the project, travel expenses related to the project, transportation of the work of art to the site, design, preparation and construction of the site, and installation of work of art, identification plaques and labels, mountings, anchorages, containments, pedestals, materials necessary for installation, location or security of artwork, photographs of slides of the completed work for the purpose of routine documentation of the project, permits or fees necessary for installation, legal cost related to the project.
- (2) **Selection, Acquisition and Maintenance.** Fund monies are to be used for the selection, acquisition, maintenance of commission, purchase, or produced works of art or art spaces. The following are eligible expenses:
 - (a) Administrative fees directly associated with the selection and acquisition of artwork, selection panel, honoraria and travel expenses, payment of proposal stipends to artists invited to submit maquettes for a project, and substantial structural repair, ongoing maintenance, and insurance for works of art.

(Ord. 2653, § 1, October 8, 2001)

2.94.040 Administration.

The Visual Arts Commission (VAC) shall administer the provisions of this chapter relating to acquisition of works of art and display. The VAC shall submit to the City Council, not later than March of each year, a report of its activities for the prior year.

(Ord. 2653, § 1, October 8, 2001)

2.94.050 Membership of the Visual Arts Commission.

A. *Duties and Functions.* The duties and functions of the Visual Arts Commission ("VAC") shall be to administer the provisions of Chapter 2.94 of the Edmond Municipal Code, Art in Public Places, to develop guidelines and standards for the selection, display, and maintenance of art for the City's collection and to acquire, by purchase or donation, works of art for the City's collection.

B. *Members.*

- (1) The Visual Arts Commission consists of nine (9) members. The Mayor shall nominate one member and each Councilmember shall nominate one member, all who must reside in the City of Edmond. The remaining four (4) members will be a member of the City Council, the Director of the Historical Society,

-
- a representative of the Fine Arts Institute of Edmond, and a representative of the University of Central Oklahoma College of Fine Arts and Design. Representatives of the Historical Society, Fine Arts Institute of Edmond, and the University of Central Oklahoma College of Fine Arts and Design will not be required to be residents of the City of Edmond. All members of the Visual Arts Commission to receive the approval of the Mayor and Council as a whole.
- (2) *Term.* The term for each VAC member shall be for three (3) years with a maximum of three(3) full consecutive terms. All terms to expire in the month of June.
 - (3) *Vacancy.* Whenever a vacancy shall occur, either by death, resignation, removal, change of residency, impending expiration of term or for any other cause, such vacancy shall be filled in the manner set forth by City Council.
 - (4) *Attendance at Meetings.* The effective operation of a board depends upon regular attendance of the members at meetings. As a result, for boards or commissions that meet monthly, a member may be removed from the position prior to expiration of a term when that member is absent for three consecutive meetings, or four meetings in any twelve-month period, for reasons other than illness, unless prior arrangements have been made with the commission for the absence. If VAC meets more frequently than monthly, a member may be removed when that member is absent from more than twenty-five (25) percent of the meetings, unless prior arrangements have been made with the VAC for the absences. If a member is unable to attend a meeting, the secretary should be notified at least twenty-four (24) hours in advance of the meeting. Repeated absences even if not consecutive, may also be cause for removal. VAC shall consider all matters properly brought before it as set forth on the agenda.
- C. *Special Meetings.* Special meetings shall be held upon the call of the chairperson or vice chairperson or upon written request of three (3) members of the VAC. Notice of special meeting shall be given as much in advance as is reasonable under the circumstances requiring the meeting. Such notice shall set forth the time, place, date and purpose of the meeting and in compliance with Oklahoma Open Meeting law.
 - D. *Open Meetings/Public Notice.* All meetings of the VAC shall be conducted in accordance with the provisions of Oklahoma law pertaining to public meetings. Public notice of all meetings shall be given no less than forty-eight (48) hours in advance of the meeting and shall be posted at such place as Council shall designate. The notice shall contain a specific agenda.
 - E. *Quorum.* The quorum for the conduct of business at any meeting shall be the majority of all the members of the VAC. No action shall be taken in the absence of a quorum, except to adjourn the meeting to a subsequent date.
 - F. *Manner of Acting.* In all matters coming before the VAC, the affirmative vote of a majority of those present and voting shall be the action of the VAC, provided that a quorum is present, except that the following actions shall require the affirmative vote of five (5) members of the VAC; expenditures of funds; acceptance of gifts and determination of the terms and conditions of acceptance thereof; place of display and removal of works of art; and amendment of the by-laws. Ex officio members shall not be entitled to vote.
 - G. *Conflict of Interest.* In the event any member shall have a personal interest of any kind in a matter then before the VAC, they shall disclose their interest to the VAC. The VAC shall consider the interest and by vote determine whether said member is qualified to participate in action on the matter before the VAC. The City Attorney shall advise on any conflicts of interest and the City Attorney's opinion shall be final.
 - H. *Agenda.* The agenda for regular meetings will be prepared by the Chairperson of Visual Arts Commission. VAC members may not add items to the agenda at the beginning of the meeting.
 - I. *Rules of Order.* Generally, meetings can be held in any manner that assures an orderly and focused discussion, and facilitates the input of all members of the VAC. When necessary, in order to effectively conduct business, as determined by a majority of those present, Robert's Rules of Order shall be in effect.

-
- J. *Residency Requirements.* Members of the Visual Arts Commission must reside within or have substantial ties within the corporate limits of the city, or, where the City Council determines that the duties and functions of a board of the VAC impact, or are likely to impact, areas beyond the corporate limits, such person resides within or has substantial ties to the affected area.
- K. *Appointment of Committees.* The Chairperson, with the concurrence of the VAC, may establish such committees as may be necessary for the conduct of the business of this VAC. The Chairperson shall appoint the members of such committees.
- (1) *Attendance at Meetings.* All members of the VAC shall be entitled to attend meetings of committees of the VAC.
- L. *Amendment.* The by-laws may be amended at any regular meeting of the VAC, provided that the proposed amendment has been introduced at a prior regular meeting of the VAC. Amendment of the by-laws shall require the affirmative vote of five (5) of the members of the VAC. (Ord. 2653, § 1, October 8, 2001; Ord. 2677, § 1, April 22, 2002; Ord. 2848, § 1, May 10, 2004; Ord. 2928, §§ 1—3, June 13, 2005; Ord. 3376, § 1, March 25, 2013; Ord. 3630, § 1, 10-9-2017).

2.94.060 Guidelines.

The VAC shall adopt guidelines in accordance with the collection policy.

- A. To identify suitable art objects for City buildings.
- B. To facilitate the preservation of art objects and artifacts that may be displayed in public places;
- C. To prescribe a method or methods for competitive selection of art objects for display;
- D. To prescribe procedures for the selection, acquisition and display of Art in Public Places; and
- E. To set forth any other matter appropriate to the administration of this chapter.

2.94.070 Selection and Display Standards.

In performing its duties with respect to Art in Public Places, the VAC shall give special attention to the following matters:

- A. Conceptual compatibility of the design with the immediate environment of the site;
- B. Appropriateness of the design to the function of the site;
- C. Compatibility of the design and location with a unified design character or historical character of the site;
- D. Creation of an internal sense of order and a desirable environment for the general community by the design and location of the work of art.
- E. Preservation and integration of natural features for the project;
- F. Appropriateness of the materials, textures, colors and design to the expression of the design concept; and
- G. Representation of a broad variety of tastes within the community and the provision of a balanced inventory of Art in Public Places to insure a variety of style, design and media throughout the community.

(Ord. 2653, § 1, October 8, 2001)

2.94.080 Display of Art in Public Places.

- A. Works of art selected and implemented pursuant to the provisions of this chapter may be placed in, on or about any public place or, by agreement with the owner thereof, any private property with substantial public exposure in and around the City of Edmond. Works of art owned by the City may also be loaned for exhibition elsewhere, upon such terms and conditions as deemed necessary by the VAC. City officials responsible for the design and construction of public improvements in the City shall make appropriate space available for the placement of works of art, in consultation with the VAC. The VAC shall advise the City Manager of the VAC's decision regarding the design, execution and placement of work of art in connection with such project. For any proposed work of art requiring an extra-ordinary operation or maintenance expenses, the VAC shall obtain prior written approval of the City Manager before approving the same.
- B. All Art in Public Places shall receive the prior review and approval of the VAC. None shall be removed, altered or changed without the prior review and approval of the VAC.
- C. It is anticipated that the VAC will receive requests to fund portions of public art projects from schools, civic clubs, businesses or individuals. On such occasions funds from the Art in Public Places Fund may be used to fund up to fifty (50) percent of Art in Public Places directly financed by such group and individuals and placed on privately owned land. The criteria for participating in such ventures shall be the same as for Art in Public Places funded wholly by the Fund. Where the VAC has approved a private donation or private property purchase the VAC may contribute up to one-half of the cost of the piece of art not to exceed \$30,000.00 toward purchase of said art work.
- (1) Ownership. All works of art acquired in whole or in part using Art in Public Place funds shall be acquired in the name of and title shall be held by the City of Edmond, Oklahoma.
 - (2) No work of art financed or installed either wholly or in part with City funds or with grants procured by the City shall be installed on privately-owned property without a written agreement between the VAC, acting on behalf of the City, and the property owner specifying the proprietary interests in the work of art and specifying other provisions deemed necessary or desirable by the City Attorney including maintenance and ownership of the art being titled to the City of Edmond. In addition, such written agreements shall specify that the private property owner shall assure:
 - (i) That the installation of the work of art will be done in a manner which will protect the work of art and the public;
 - (ii) That the work of art will be maintained in good condition; and
 - (iii) That insurance and indemnification will be provided as is appropriate.
- D. Installation, maintenance, alteration, refinishing and moving of Art in Public Places shall be done in consultation with the artist whenever feasible.
- E. The City Manager or his designee shall maintain a detailed record of all Art in Public Places, including site drawings, photographs, designs, names of artists, and names of architects whenever feasible, and said records shall be housed by and maintained by the City of Edmond. The Chairman of the Commission shall attempt to give appropriate recognition to the artists and publicity and promotion regarding Art in Public Places.

(Ord. 2653, § 1, October 8, 2001; Ord. 3079, § 1, February 26, 2007)

2.94.090 Infrastructure Art Sponsorship Program.

There is hereby established an Infrastructure Art Sponsorship Program, wherein City-owned utility infrastructure can be visually enhanced through public art.

This program allows for a sponsor to provide funding for an item of utility infrastructure to be visually enhanced with a vinyl wrap. City staff will determine whether or not the item of utility infrastructure is suitable for visual enhancement, based on appropriateness of site, accessibility to public view, and conditions of the infrastructure.

Upon application and approval, the sponsor will provide funds to cover the installation cost of an artistic vinyl wrap in addition to an administrative fee and maintenance fee. This program will not be eligible for partnership funds from the Edmond Visual Arts Commission.

The sponsor will have the opportunity to select the artwork to be adhered to the utility infrastructure. Artwork to be adhered to public utility infrastructure may be sourced from public domain works and/or original artwork and must be approved by the Edmond Visual Arts Commission.

The Art Liaison or other designee of the City Manager is hereby authorized to make, adopt, and amend rules and regulations necessary for program administration, provided that said rules and regulations are posted on the City website.

(Ord. 3806 , § 1, December 14, 2020).

CHAPTER 2.96 PUBLIC WORKS AND PUBLIC ART

2.96.010 Purpose.

The purpose of this Chapter is to provide a means for each major city construction project to have an appropriate display of art integrated into the project, to provide for dedication of art, and to provide for administration of funds and to provide for ownership of artwork. (Ord. 2852, § 1, May 24, 2004; Ord. No. 2841, § 1, 4-26-04).

2.96.020 Definitions.

For the purposes of this Chapter the following words or phrases shall be defined as set out below:

- A. *Construction cost* related to public works projects means the estimated construction cost of projects proposed for the Capital Improvement Plan.
- B. *Construction or alteration* as it relates to public works projects means construction, rehabilitation, renovation, remodeling or improvement.
- C. *City construction project* means all city buildings, gateways, parks, plazas, medians, roads, excluding road overlay projects, and other public areas except service facilities not normally visited by the public.
- D. *Major city construction project* means a city construction project or city alteration project where the city's construction cost is two hundred fifty thousand dollars (\$250,000.00) or more.

2.96.030 Dedication for Art.

One (1) percent of the construction cost of a major city construction project shall be set aside for the inclusion of public art. Of the one (1) percent, eighty-five (85) percent of said sum shall be used for acquisition of public art, thirteen (13) percent shall be placed in a revolving fund for maintenance, repair and installation and two (2)

percent shall be used for administration of projects established under this code. The art shall be displayed in, upon, adjacent to or in close proximity to the city facility that is the subject of the project. If it would be inappropriate to display art at that location, the one percent may be used for the acquisition of art for the display in, upon, adjacent to or in close proximity to other city projects. The cost of the public art shall include the administrative costs in implementing this chapter. (Ord. 2852, § 1, May 24, 2004).

2.96.040 Administration, Installation, Maintenance and Repair.

Funds budgeted for public art pursuant to this chapter may be used for acquisitions, installation, maintenance, repair and administration of this program in the percentages set out in paragraph 2.96.030. These funds and this program shall be administered by the Visual Arts Commission and art selection shall be approved by the Visual Arts Commission, pursuant to guidelines adopted by the Visual Arts Commission.

- (a) The Visual Arts Commission shall develop methods of selection of artists, criteria for selection, final approval of site projects, maintenance and repair works of art, and periodic evaluation of the program. (Ord. 2852, § 1, May 24, 2004).

2.96.050 Ownership.

All art acquired pursuant to this Chapter shall be acquired in the name of the City of Edmond and shall vest in the City of Edmond. (Ord. 2852, § 1, May 24, 2004).

2.96.060 City Council Review.

The City Council shall review at least annually the provisions of this ordinance to determine if the financial conditions of the City necessitate a revision or elimination of the public art requirement for major city construction projects. (Ord. 2852, § 1, May 24, 2004).