

ORDINANCE NO. 1276

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF CHANDLER, ARIZONA, ADDING ARTICLE III, SECTION 17A-22 THRU 26 AND CREATING A CHANDLER ARTS COMMISSION AND A MUNICIPAL ARTS FUND.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA that Article III, Section 17A-22 thru 26 of the Chandler City Code are hereby added as follows:

SECTION 17A-22. ESTABLISHMENT.

- (a) The City of Chandler accepts a responsibility for expanding experience with visual art. Such art has enabled people in all societies to better understand their communities and individual lives. Artists capable of creating art for public places must be encouraged. Therefore, the Chandler Arts Commission is hereby established. The Commission shall be composed of seven (7) members. The seven (7) members shall be appointed by the Mayor, subject to approval of the City Council.
- (b) At least six (6) of the regular members of the Commission must be qualified electors of the city and have been a resident of the city for at least one year immediately preceding the date of appointment. One member who is not a resident may be eligible to serve on the commission provided he is a resident of the local planning area and has been a resident of the local planning area for at least one year immediately preceding the date of his appointment.
- (c) Works of art selected pursuant to the provisions of the ordinance and any amendment thereto may be placed in, on or about any municipal construction project or other municipally-owned, leased or rented property, and may be either temporary or permanent. Placement of works of art shall be authorized by the Commission, and the City officers responsible for the design and construction, or operation and maintenance of such projects, shall make appropriate space available for the placement of works of art.

SECTION 17A-23. DEFINITIONS.

The following words shall have the definitions set forth herein.

- (a) "Commission" means the Chandler Arts Commission.
- (b) "Construction Project" means any capital project paid for wholly or in part by the City of Chandler to construct or remodel any building, structure, park, and related improvements within the limits of the City of Chandler.
- (c) "Eligible Fund" means a source fund for construction projects from which art is not precluded as an object of expenditure.
- (d) "Municipal Arts Plan" means the plan required by Section 17A-26 of this ordinance.

SECTION 17A-24. TERMS OF OFFICE, OFFICERS.

- (a) The terms of office for the regular members of the commission shall be for three (3) years, except that the first members of the commission shall be appointed for the following terms: two (2) members shall serve for one (1) year; two (2) members shall serve for two (2) years; and three (3) members shall serve for three (3) years. Thereafter, their successors shall serve a full term.

- (b) The commission shall elect its own officers at the first meeting following the 1st of May of each year. The parks and recreation director, or his duly authorized representative, shall act as secretary of the commission but shall not be allowed to vote. No officer elected by the commission shall serve in the same capacity for more than two (2) consecutive one-year terms.

SECTION 17A-25. ESTABLISHMENT OF MUNICIPAL ART FUND.

- (a) All requests for appropriations approved by City Council for construction projects from eligible funds shall include an amount equal to one percent (1%) of the estimated cost of such project for works of arts, and the one percent shall be deposited in the Municipal Arts Fund. Money collected in the Municipal Arts Fund shall be expended by the City Council with recommendations from the Arts Commission for projects as prescribed by the Municipal Arts Plan. A budget for the Municipal Art Fund shall be recommended annually by the Arts Commission along with the city's budget.
- (b) There is established in the City Treasury a trust and agency fund designated "Municipal Arts Fund" into which funds appropriated as contemplated by this ordinance shall be deposited. Each disbursement from such Fund or from other appropriations for works of art shall be recommended by the Commission and authorized by the Mayor and City Council.

SECTION 17A-26. POWERS AND DUTIES.

The Commission shall:

- (a) Make reviews annually, at budget time, of all City capital improvement program projects with the Mayor, City Council and appropriate staff for the purpose of designating eligible construction projects.
- (b) Determine a method of methods of selecting and commissioning artists for design, execution and placement of works of art and recommend to City Council selection and commissioning artists for such purposes.
- (c) Determine the specific location and/or amounts to be expended on works of art, and make these recommendations to the City Council.
- (d) Require that any proposed work of art requiring extraordinary operation or maintenance expenses receive prior approval of the department head involved.
- (e) Develop the Municipal Arts Plan in conjunction with the City's five (5) year Capital Improvements Plan.
- (f) Authorize payments for the Municipal Arts Fund.
- (g) Accept and receive works of art on behalf of the City.
- (h) Promulgate rules and regulations for Council approval to facilitate the implementation of its responsibilities hereunder.

PASSED AND TENTATIVELY APPROVED BY the Mayor and City Council of the City of Chandler, Arizona, this 5th day of *December*, 1983.

ATTEST:

Carolyn Duenkel
CITY CLERK

J. Patterson
MAYOR

APPROVED AS TO FORM:

Clifford J. Frey
CITY ATTORNEY

C E R T I F I C A T I O N

I HEREBY CERTIFY that the above and foregoing Ordinance No. 1276 was duly passed and adopted by the Mayor and City Council of the City of Chandler, at a regular meeting this 19th day of December 1983, and that the vote was 6 Ayes, 0 Nays.

Carolyn Duenkel
CITY CLERK

PUBLISHED: 12-23; 12-30

MUNICIPAL ART PLAN

PURPOSE: To establish the procedure for the development of a Municipal Art Plan, and for the implementation of 1% for Art projects in accordance with the Municipal Art Plan and Budget.

POLICY:

1. To expand public experience with the visual arts, it is the policy of the City to include works of art in its public facilities, through the development and implementation of a Municipal Art Plan and Budget.
2. The Municipal Art Plan developed by the Chandler Arts Commission in consultation with the Community Services Department shall provide advice on the nature and placement of funds used for Art projects.
3. Establishment of the Chandler Arts Commission and the 1% for Art Ordinance by the City Council expresses the City's intent to provide its citizens with expanded experience with the visual arts, and to encourage artists capable of creating art for public places. The Chandler Arts Commission has identified the following policies and objectives as important to the development and implementation of a Municipal Art Plan which aims to carry out this intent.
 - A. The primary objective shall be to provide art of the highest quality, and displayed in spaces accessible to citizens as they participate in the activity of the City and engage in public life.
 - B. Artwork projects shall be developed in connection with urban and neighborhood focal points.
 - C. The Municipal Art Commission shall seek to provide increased opportunities for artists to put their work before the public, and to participate with citizens in the development of artwork projects in public places.
 - D. The planning process for artwork projects shall relate to the City's various planning functions, such as the annual Capital Improvement Program process and neighborhood and area planning and development or redevelopment undertaken by the Departments.
 - E. Wherever possible, sites for artwork projects will be identified at the planning or early development stages, in order that artwork projects can be effectively and economically integrated through planning and implementation concurrent with site and structural development.

DEFINITIONS:

1. "Commission" is the Chandler Arts Commission.
2. "Municipal Art Fund" is a special fund established in the City into which funds may be appropriated by legislative authority, and into which funds equal to 1% of expenditures on eligible construction projects and other ear-marked funds are deposited.
3. "Appropriate City Official" is the Department head or his designee responsible for a construction project or site.
4. A "consultant" is any firm, individual, joint venture or team of firms or individuals (including any subconsultants engaged by the consultant) with which the City contracts for design or other consulting services related to Capital Improvement Projects.
5. A "designer" is any consultant or City employee(s) providing design services for the execution of a Capital Improvement Project or subsequent renovation or additional development.
6. A "Department" is any City Department owning, managing or having jurisdiction over any site, facility, or building or other space, existing or planned, which may be a potential site for development of an artwork project.
7. An "advisory board" is any formal body of citizens appointed by the Mayor to advise a Department on matters of policy.
8. "Municipal Art Budget" is a budget, prepared, adopted and amended annually by the Commission, submitted to the City Manager and approved by the City Council which shall allocate available 1% for Art funds and other legislatively authorized funds for artwork projects at specific sites.
9. "Municipal Art Plan" is the plan, prepared, adopted and amended as necessary by the Commission, submitted to the City Manager and approved by the City Council for carrying out the City's 1% for Art Program and other legislatively authorized funds.

RESPONSIBILITIES:

1. Commission responsibilities include:
 - A. Prepare for Council approval the annual Municipal Art Budget.
 - B. Develop methods for the selection of artists and/or works of art.
 - C. Recommend to City Council purchase of artworks, or commissions for the design, execution and placement of

artwork.

- D. Maintain an inventory of public spaces which are potential sites for artwork projects,
 - E. Establish procedures for implementation of the Municipal Art Budget, including a procedure for obtaining information on the credentials and experience qualifying persons to serve as jurors in the selection of artists or artwork and as a resource persons in the development of artwork projects; a procedure for obtaining information on professional artists and their works; and a procedure for insuring adequate standards of documentation, registration, care and installation of all artworks purchased by the City or donated to the City.
 - F. Make an annual report on the Municipal Art Plan to the City Council, and the Departments, showing the location, types of artwork, the artist(s) commissioned, and the dollars expended for each artwork project, and the status of each project.
2. The Commission, through the Community Services Department Staff shall also:
- A. Consult with the Department responsible for a particular construction project or other site regarding the execution and/or placement of an artwork project.
 - B. Provide that any proposed work of art requiring extraordinary operation or maintenance expenses receive approval of the Department head responsible for such operation or maintenance and the City Manager prior to implementation of the project.
 - C. Communicate with Department advisory boards to the extent advised by the Department head.
3. Departmental Responsibilities:
- A. Coordinate with each City Department to identify existing or planned sites under the Department's jurisdiction or management which are suitable for the location of artwork projects.
 - B. Coordinate with each City Department the development and implementation of artwork projects at Departmental sites.
 - C. Obtain from the other Departments of the relationship of any advisory board to the Department, and shall advise the Community Services Department of that group's responsibilities in the development and implementation of artwork projects.

- D. Obtain from other Departments proposed or planned projects involving construction, renovation or further development of a site or facility and allow for adequate review of the project's potential for incorporation of artwork, and for planning of an appropriate artwork project.
- E. Inform the Commission of neighborhood improvement or area redevelopment projects, which could potentially incorporate an artwork project.
- F. Inform the Commission of planning studies and long-range policy recommendations which bear upon planning for the incorporation of artwork in existing or planned urban spaces.
- G. The Community Services Director and Management Services Director shall review the Municipal Art Budget and make recommendations to the City Manager and City Council regarding its approval.
- H. The Comptroller shall establish separate accounts within the Municipal Art Fund. The Comptroller shall draw and pay warrants upon the Municipal Art Fund upon vouchers approved by the City Council. The City Comptroller shall monitor expenditures from the Municipal Art Fund against the Municipal Art Budget.

PROCEDURE

- 1. Development of the Municipal Art Plan. The nature and placement of artwork projects shall be recommended by the Chandler Arts Commission and authorized by the City Council, through the Municipal Art Plan.
 - A. The Chandler Arts Commission shall meet monthly, and shall oversee the development and implementation of the Municipal Art Plan.
 - B. Commission through the Community Services Department and staff will develop a city-wide site inventory, consulting with departments to identify potential sites for artwork projects, both planned and existing under each Department's jurisdiction or management. This site inventory will be continually updated by staff, through periodic review of the Capital Improvement Program and through ongoing communication and consultation with City Departments.
 - C. The Chandler Arts Commission will recommend to the City Council the site and nature, allocation of funds from the Municipal Art Fund, and criteria and selection process for each art project.

D. In developing specific art projects, Community Services Department staff shall work with the appropriate City Official(s) and the project designer and/or project manager for the site to determine the following parameters:

1. Recommend medium (painting, sculpture, electronic, etc.) and/or format for participation of artist in project design.
2. Recommend location(s) within the site. Artwork may be placed either as an integral part of the construction project in connection with which the funds were appropriated or may be placed in, on or about other public facilities.

In the case of sites under development, the Community Services Department will keep the Commission appraised of progress in selection of a designer, and shall include the artwork project in the design program for the project. Upon selection of a designer, the artist selection process will be carried out, with the participation of the designer and appropriate City officials. The designer and artist will then coordinate the location of the artwork within the construction project.

In the case of existing sites, where development is completed, the Commission shall consult with the appropriate City official(s) on locations for artwork, and the location shall be determined by agreement between the Department and the Commission, with approval of the City Council.

3. Maintenance. Any proposed work of art, which is demonstrated by the Department head to require extraordinary operations or maintenance expense, shall be subject to approval by the City Manager.

E. The Chandler Arts Commission shall maintain the following general guidelines relating to artist selection, and within each project designate the method of selection to be followed:

1. At least 50 percent of the money expended over a five-year period for artists' commissions and purchases of completed work should be to artists associated with the Southwest, specifically Arizona. Other selections may be from among artists of national or international association.
2. Methods of selection:
 - a. Open entry: Any professional artist is eligible to enter (with recognition of

possible requirements for regional association).

- b. Limited entry or Invitational: Jury invites a limited number of artists to enter.
 - c. Direct selection of the artist(s) or completed work, by the Arts Commission with approval of the City Council.
- F. Community Services Department Staff will compile the recommendations in the form of a Municipal Art Budget, which shall be presented to the Commission for recommendation of Council approval. Prior to adoption of the Municipal Art Plan, Community Services Department staff will consult with each affected Department regarding plans for the placement of art work at specific sites.
- G. Following adoption by the Commission, the Municipal Budget will be transmitted to the City Manager and the City Council for approval. Upon final approval, the Municipal Art Budget will govern expenditures from the Municipal Art Fund.
- H. The Arts Commission shall annually review the Municipal Art Plan for possible revision or amendment. The Commission will amend the Municipal Art Plan as necessary, with council approval.

IMPLEMENTATION: Implementation of the Municipal Art Plan will be managed by the Arts Commission and Staff, and individual projects will be coordinated between and appropriate City official(s) within the Department and the Community Services Department Staff.

- 1. Information on artwork projects will be disseminated as broadly as possible, through the media, mailings, and the City newsletter. Projects will be announced at least one month before the selection committee is scheduled to meet. Public meetings, when feasible and necessary, will be held to provide information to artists.
- 2. The Commission will use the established Arizona Arts and Humanities Commission registry where professional artists associated with the Southwest may deposit, for jury review, slides and such other material as may be desirable.
- 3. Individual project budgets shall cover costs attendant to the selection, purchase or design and execution, and placement of each artwork, and shall be approved by the Arts Commission and City Council.
- 4. Artwork shall be selected by a jury, named by the Art Commission. The Art Commission, with Council approval, shall have the option of constituting itself as a jury.

5. Jury selection guidelines and responsibilities:

- a) The number of jurors and makeup of the jury appointed for projects will depend upon the size and complexity of each project. Generally, the jury size will range from one juror for a small project, to five jurors for a large project. All projects with artists' commissions over \$10,000 shall have more than one juror.
- b) Juries of three or more shall include an artist. At least one person connected with those who will be in constant contact with the artwork shall advise the jury. This person may be a City employee such as a project manager, a community representative, or other individual, and may be designated a voting member of five-member juries. Five-member juries shall include the project architect/designer, if appropriate.
- c) Project managers, architects and designers who are regular, full-time City employees shall be non-paid, ex-officio members, acting in an advisory capacity unless designated a voting member of the jury. Any person receiving full-time compensation at professional rates in connection with a City project shall not receive additional compensation.
- d) Jury members shall be paid in accordance with a schedule determined by the Arts Commission and approved by the City Council. Jurors' shall be reimbursed as incurred in connection with the selection process.
- e) Jury review shall be open to observers who wish to attend. The jurors may elect to cast votes in closed session. Jury review will be organized and staffed by the Community Services Staff.
- f) The Arts Commission and Community Services Department Staff shall issue written instructions to jurors detailing the duties and responsibilities relating to the project, before the first jury meeting.
- g) If a consensus cannot be reached, then a vote shall be taken, with the majority carrying the decision. Jurors shall each have one vote and no juror shall have the right to veto.
- h) The jury shall have the option of making no selection. In the event that no selection is made, a new selection process may be initiated or the project abandoned.
- i) The jury's decision will be recorded by the Community Services Department Staff in the form of a written report to the Arts Commission.

- j) Prior to formal vote of the Commission, the participating Department shall be requested to review the work. In cases where legitimate problems are demonstrated to the satisfaction of the Community Services Department, the jury shall be reconvened to select an alternative work. In cases where the Department objects to the work for valid reasons, and agreement cannot be reached between the participating Department and the Community Services Department the matter will be referred to the City Manager.

6. File of potential jurors

Commission staff will establish and maintain a file of potential jurors, containing information on the credentials and experience qualifying individuals to serve in this capacity. The procedure and format for gathering this information shall be established by the Art Commission.

7. Design, execution and installation of the artwork

- a. The Community Services Department will contract with the artist, and with other consultants as necessary, for the purchase or design, execution and installation of the artwork. Contracts will be approved by the Management Services Department and forwarded to the Comptroller.
- b. The contract with the artist will be administered by the Community Services Department or a Department designate by the City Manager.
- c. On-site activity in connection with the artwork installation will be coordinated between Community Services Staff and the appropriate City official(s) within the Department having jurisdiction over the site and/or construction.
 - 1. In the case of sites under development, the appropriate City official(s) within the Department will coordinate the concurrent site development and the artwork installation in the most efficient manner possible.
 - 2. In the case of existing sites not undergoing development, the appropriate City official within the Department shall oversee and facilitate the installation of the artwork. In such cases, cost of necessary site alternation or restoration shall be borne by the 1% allotment or other authorized funds.
- d. Unless otherwise agreed, maintenance of permanently installed artworks shall be the responsibility of the Department having jurisdiction over the site, and

maintenance of temporarily installed portable works shall be the responsibility of the Department which owns the works.

- c. Location of artwork, either temporarily or permanently, at sites not under the jurisdiction of the Department which owns the works shall be by interdepartmental agreement. The agreement shall be developed by the Commission and shall set forth responsibility for maintenance and duration of the installation.
8. In general, Departmental staff and consultant(s) hired by Departments in connection with projects where an artwork is included shall not receive additional compensation for time spent in connection with the implementation of artwork projects. However, where a specific technical or professional task is performed by such staff or consultant(s) solely in connection with the artwork, and where the task is necessary to the execution or installation of the artwork, and where it is not feasible to include as the responsibility of the artist under the terms of his contract, the Department may be reimbursed from the 1% allotment, or other authorize funds, provided that the reimbursement is requested prior to establishment of the project budget and is approved by the Office of Management and Budget.
9. Project files and records. Staff shall maintain record files on each project, which shall include, but not be limited to the following:
 - a. Contract(s) with the artist(s) and consultant(s) engaged on the project.
 - b. Records of Commission and City Council action bearing on the project.
 - c. Interdepartmental agreements relating to the site selection or implementation of the project.
 - d. Correspondence, memoranda relating to the project.
 - e. Record of all billings made in connection with the project.
 - f. All proposals submitted and other visual or written material related to the artist's design or method of execution as are submitted or become available.
10. Annual report.

Staff shall make an Annual report to the City Council, and to the Departments, showing the location, types of artwork, the artists commissioned, and the dollars expended for each project.