



City of Chicago



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Office of the City Clerk

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Meeting Date:	12/18/2019
Sponsor(s):	Lightfoot (Mayor)
Type:	Ordinance
Title:	Amendment of Municipal Code Chapter 2-28 regarding new Article II. Public Art Program
Committee(s) Assignment:	Committee on Special Events, Cultural Affairs and Recreation

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OFFICE OF THE MAYOR
CITY OF CHICAGO

LORI E. LIGHTFOOT
MAYOR

December 18, 2019

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Cultural Affairs and Special Events, I transmit herewith an ordinance amending various provisions of the Municipal Code regarding the public art program.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in black ink that reads "Lori E. Lightfoot".

Mayor

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 2-28 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

ARTICLE I. GENERAL (2-28-010 et seq.)

2-28-010 Establishment – Composition

(Omitted text is unaffected by this ordinance)

2-28-030 Commissioner – Powers and duties.

The duties and powers of the ~~commissioner~~ Commissioner shall be as follows:

(a) To organize standing or special committees of the advisory board to assist the board in its advisory capacity;

(b) To administer the city City's art programs, including, but not limited to, the authority to: (i) enter into cooperative agreements with other governmental entities and not-for-profit organizations for purposes of administering the Public Art Program (Article II of Chapter 2-92) the Public Art Program as provided in Article II of this Chapter, and (ii) to adopt rules governing the registration, identification, and protection of art, artwork as defined in the Public Art Program, Section 2-28-110 and graffiti as defined in Section 7-28-065;

(Omitted text is unaffected by this ordinance)

SECTION 2. Chapter 2-28 of the Municipal Code of Chicago is hereby amended by adding a new Article II, as follows:

ARTICLE II. PUBLIC ART PROGRAM (2-28-100 et seq.)

2-28-100 Name of program.

This program shall be known and referred to as the "Public Art Program".

2-28-110 Definitions.

For purposes of this Article II of Chapter 2-28, the following definitions shall apply:

"Artwork" means all forms of art conceived in any medium, material or combination thereof, commissioned or purchased by the City, including those received as gifts to the City.

"Department" means the City's Department of Cultural Affairs and Special Events.

"Public Art Program" means a program for the commissioning, purchasing, installation, maintenance, or administration of artwork that is: (i) funded as provided in Sections 2-28-120

("percent for art program") or by other funds appropriated by the City; (ii) funded by public or private grants administered by the City; or (iii) received as gifts to the City.

2-28-120 Percent for art program – Appropriation of funds required.

Every budget for the construction of, or renovation affecting 50 percent or more of the square footage of, a public building to which there is or will be public access built for or by the City and every budget for an outdoor site improvement project to which there will be public access and that has been designated as an eligible Public Art Program project by the Department shall provide that 1.33 percent of the original budgeted cost of construction or renovation of the structure or the project itself, excluding land, architectural design fees, construction management and engineering fees, fixtures, furnishings, streets, sewers, and similar accessory construction, shall be appropriated and deposited in the Public Art Program fund as specified in Section 2-28-150, to commission or purchase artwork to be located in a public area in or at such building or project; provided, however, this provision shall not apply to any building or project constructed with funds which exclude public art as an eligible cost.

2-28-130 Administration.

The Department shall administer the Public Art Program and all Public Art Program projects. The Department shall commission or purchase all artwork for each Public Art Program project after appropriate consultations have been made as specified in Sections 2-28-140, 2-28-160, and 2-28-170.

2-28-140 Policy procedures.

The Department shall develop policy procedures for the operation of the Public Art Program. The procedures shall describe the general administration of the Public Art Program and shall include, but are not limited to:

(a) The methods of communication with interested and capable artists, including public notice and direct contact with art galleries, art schools, art museums, and individual artists;

(b) The rights and responsibilities of the artists selected;

(c) The receipt and placement of artwork received as a gift to the City;

(d) The placement of artwork at temporary and permanent art exhibitions on City property, but not including art fairs or festivals;

(e) Procedures whereby an interested artist may file a request to be notified about information and opportunities related to the Public Art Program; and

(f) Procedures for consultation with aldermen, community organizations and the general public in whose wards and communities artwork will be placed as part of the Public Art Program as required by Section 2-28-170.

2-28-150 Public Art Program fund.

There is hereby created an account to be used solely for the commissioning or purchase of artwork, administration of the Public Art Program, and maintenance of artwork in the Public Art Program. This account shall be referred to as the "Public Art Program fund." No more than 20 percent of the Public Art Program fund allocation for an artwork shall be applied to maintenance of that artwork and general administrative costs of the Public Art Program. Any funds that have been or may be allocated for an artwork, and that remain unspent after completion of the artwork, shall be preserved in a special account within the Public Art Program fund for the maintenance and preservation of artwork installed as part of the Public Art Program.

2-28-160 Department of Cultural Affairs and Special Events – Powers and duties.

In addition to those conferred elsewhere in this Code or by other ordinance, the Department shall have the following powers and duties:

(a) to implement the Public Art Program policy, and to establish procedures for determining eligible projects;

(b) to review proposed construction projects on a quarterly basis and determine eligible projects;

(c) to determine how the Public Art Program funds will be spent for each project and to publicly post online a report on those expenditures for each calendar year no later than May 1 of the following year. The report shall disclose the following: (i) the amount of the Public Art Program fund appropriated pursuant to Section 2-28-120 and the sources of such funding; (ii) the amount of such funding allocated to each specific project and the unspent balance; (iii) a description and the amount of each expenditure of such funding (not including maintenance and general administrative costs as set forth in Section 2-28-150) for each specific project and location of each artwork purchased or commissioned with such funding; (iv) and the name and city of residence of each such artist;

(d) to determine the appropriate placement of artwork commissioned or purchased under the Public Art Program as well as artwork received as a gift to the City;

(e) to establish selection guidelines for Public Art Program projects, including determining whether any selection will be made by open competition, limited entry (invitational) or direct selection;

(f) to maintain artwork in the Public Art Program collection in cooperation with the Department of Assets, Information, and Services;

(g) to make the final selection of the artists and artwork to be commissioned or purchased by the Department for each Public Art Program project. Before making the final selection under this subsection (g), the Department shall consult with persons knowledgeable in the arts, such as artists, museum curators or directors, art patrons, and academicians. Provided, however, that no agent or gallery owner shall be consulted in connection with any project if that agent or owner represents, or sells or displays the work of, an artist under consideration in connection with that project. Nothing in this subsection (g) shall be construed to confer on any person a right to be consulted in connection with any particular project;

(h) to review current and future Public Art Program projects to ensure that artists from or based in the City receive at least 50 percent of the number of projects representing these commissions or purchases;

(i) to solicit, receive, and review comments and recommendations regarding the selection of restoration and conservation projects and to make the final selection of the restoration and conservation projects that will receive Public Art Program funding;

(j) to solicit, receive, and review comments and recommendations concerning proposed or contemplated artwork from aldermen, community organizations and residents in whose wards and communities artwork will or may be placed as part of the Public Art Program; and

(k) to enter into grant agreements, cooperation agreements and other agreements or contracts with other governmental entities, private businesses, civic and community groups, and individuals to: (i) purchase, evaluate, design, commission, fabricate, install, maintain, or administer artwork for the Public Art Program; or (ii) fund the purchase, evaluation, design, commission, fabrication, installation, maintenance, or administration of artwork for the Public Art Program; or (iii) conduct feasibility planning, engineering site studies, and assessment of any proposed or contemplated Public Art Program project. Such agreements shall be on such terms as the Commissioner deems appropriate and are required to contain only those provisions deriving from state law that preempt the City's home rule authority. Such agreements shall be subject to the approval of the Corporation Counsel as to form and legality.

2-28-170 Consultation with and notice to affected community.

The Department shall seek and obtain community input regarding each Public Art Program project through the following methods:

(a) discussion with the alderman of the ward or aldermen of the wards in which a project is contemplated, for assistance in identifying: (i) local organizations and institutions, such as homeowners' associations, residents' associations, chambers of commerce, block clubs, arts organizations, historical societies, and other organizations and institutions, that may be especially interested in or affected by the contemplated project; (ii) local residents and business owners who may be interested in or affected by the project; (iii) local history; and (iv) other concerns and interests that may be considered in developing the project;

(b) direct contact with local organizations and institutions concerning the project; and

(c) two or more public forums at which interested organizations, institutions and individuals may seek information, and provide input on the contemplated project. Forums convened under this subsection shall occur only after notice to the local alderman and to identified local associations and institutions. The notice shall include the date, time, place and a statement of the purpose of the forum, as well as a description of the location and nature of the construction, renovation or site improvement work that will include a public art component. Forums shall be convened either in offices of the Department or in the ward in which the project is to be located; provided, however, that if the project is to be located in more than one ward, forums may be convened in any such ward after issuance of the required notice. Forums shall be scheduled with consideration for the anticipated timetable of the project and of related construction, renovation, or site improvement work. Prior to the commissioning or purchasing of an artwork, and to the extent practicable, one forum shall be scheduled in order to discuss

preliminary matters including the types of artwork that may be appropriate to the community and any related construction, renovation or site improvement work, and an additional forum shall be convened in order to discuss proposed artwork and to solicit community feedback in advance of final selection of any artist or artwork.

Nothing in this section is intended to prevent the Department from receiving inquiries, information, suggestions, or opinions in any manner not listed herein.

2-28-180 Ownership of completed projects.

Ownership of a completed physical Public Art Program project or the license to a completed digital Public Art Program project shall be conveyed to the City. The Department is authorized to sell, transfer, or otherwise dispose of any such project or license. Any model (in any physical form or format) of a project submitted by an artist for a proposed or possible use in the Public Art Program shall remain the property of the artist, unless unclaimed for 90 days after the Department notifies the submitting artist that the City has executed a contract with a different artist for a work at the same location. If the submitting artist does not claim his or her model within that period, the artist will be deemed to have transferred ownership of the model to the City.

2-28-190 Temporary public art.

This Article shall not apply to the placement of temporary public art for special events that are conducted pursuant to a special events ordinance adopted by the City Council.

SECTION 3. If any provision of this ordinance shall be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect or invalidate the remainder of the ordinance but shall be limited to the provision directly involved in the controversy in which such judgment was rendered. It is hereby declared to be the legislative intent of the City Council that this ordinance would have been adopted had such unconstitutional or invalid provision not been included.

SECTION 4. Article II of Chapter 2-92 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 5. This ordinance shall take effect upon its passage and approval. Section 2-28-170 of Article II of this ordinance shall not apply to an artwork for which the selection of the artwork, artist, or design has been finalized prior to the effective date of this ordinance.