

PERSONNEL COMMITTEE

13-025-0

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XIX, OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING THE DULUTH PUBLIC ARTS COMMISSION.

BY COUNCILOR GARDNER:

The city of Duluth does ordain:

Section 1. That Chapter 2, Article XIX, of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 2-104. Statement of purpose.

It is the purpose of this ordinance to promote the public welfare and to serve the public interest, convenience and necessity through the promotion of the arts in the city of Duluth, particularly by fostering public arts events in the city and the ~~establishing~~ ~~ment~~ of physical works of art in public places, ~~by identifying and selecting artists, locating and selecting appropriate locations and selecting works of art for performance or placement~~ throughout the city; the city council of the city of Duluth further finds that the promotion of public art can help to build the economy of the city through promotion of tourism and can improve the lives of its citizens through the humanization and individualization of public spaces and structures, while preserving historic sites which contribute to the unique character of the city; in furtherance of these goals, said council finds the need to form a public arts commission to advocate for, promote, and participate in the selection and interpretation of public artwork and public arts events in the city of Duluth ~~and to provide for mechanisms for funding fine arts projects throughout the entire city.~~

Sec. 2-105. Definitions.

For the purposes of this ordinance, the following words and phrases shall have the meanings hereinafter ascribed to them:

(a) ~~Duluth Public Arts Fund, Inc. The nonprofit corporation of that name acting in conjunction with the city of Duluth and the commission in furtherance of funding arts projects;~~

~~(b) Commission. The Duluth public arts commission;~~

~~(c) Commissioner or commissioners. The person or those persons serving as members of the commission as appointed pursuant to Section 2-107 hereof;~~

~~(d) Council or city council. The city council of the city of Duluth.~~

Sec. 2-106. Commission created.

For the purposes herein provided, there shall be created in and for the city of Duluth a Duluth public arts commission.

Sec. 2-107. Commissioners.

(a) The membership of the commission shall consist of ~~nine(9)13~~ commissioners who shall be appointed to the membership of said commission and who shall perform their duties as herein after set forth in this ordinance;

(b) Commissioners shall serve without compensation. ~~The original term of five of the commissioners shall be for one year; the original term of four of the commissioners shall be for two years; and the original term of four of the commissioners shall be for three years and until their respective successors are appointed and qualified. Subsequent t~~Terms of commissioners shall be for three years and all terms shall expire on ~~March 31~~September 30 of the appropriate year or until their respective successors are appointed and qualified. When a vacancy occurs in said commission, by means of resignation, death, removal from the city or removal for failure or neglect to perform the duties of a commissioner, such vacancy shall be filled for the unexpired term;

(c) All appointments and removals of commissioners shall be made by the mayor, with the approval of the city council evidenced by resolution;

(d) Within 20 days after all of the commissioners have been appointed, the commission shall meet and organize and adopt, and thereafter may amend, such rules and regulations for the conduct of the commission as the commission shall deem to be in the public interest and most likely to advance, enhance, foster and promote the purposes of this ordinance [Article]. At such meeting and at all subsequent meetings of the commission, 50 percent or more of the commissioners then holding office shall constitute a quorum for the transaction of business;

(e) The commissioners shall elect from among their membership a president and vice president and shall also elect a secretary who, may or may not be a member of said commission. No two of such offices shall be held by one commissioner. The officers shall have their duties and powers usually attendant upon such offices and such other duties and powers not inconsistent therewith as may be provided by the commission.

Sec. 2-108. Staff support; consultants.

(a) Staff support, ~~including clerical services and incidental expenses,~~ shall, whenever practical, be provided by such city staff personnel ~~and from such funds~~ as ~~shall~~may be directed by the chief administrative officer~~mayor's administrative assistant~~;

(b) In the event that certain services, such as consulting services, are desirable to promote and foster public art~~not reasonably available from the city~~, the commission may request that the city or ~~Duluth Public Arts Fund, Inc.,~~ hire consultants to provide ~~necessary staff~~such services and may ~~recommend~~request that

a particular person or firm be hired to provide such services.

Sec. 2-109. Commission authority.

In furtherance of the purposes set forth in Section 2-104, the commission shall have the following authority:

(a) To establish such internal rules and regulations as the commission shall deem advantageous for its internal operations;

(b) To foster the development of the arts in the city of Duluth;

(c) To advise city administration and the city council with respect to arts-related matters;

(d) To stimulate participation in and appreciation of the arts by city residents;

(e) To act as an advocate for the arts before private and public agencies;

(fb) To assist the city in the establishment and maintenance of a municipal arts plan for the city as set forth in Section 2-110 below;

~~(gc) To determine methods of location and selection of artists, and works of art and locations for works of art;~~

~~(hd) To evaluate and recommendselect artists eligible for funding by the cityDuluth Public Arts Fund, Inc.;~~

~~(ie) To evaluate and recommendapprove works of art for approved locations for funding by the cityDuluth Public Arts Fund, Inc.;~~

~~(jf) To recommendapprove for funding where applicable, artists and locations for the performing arts;~~

~~(g) To approve for subsidy by Duluth Public Arts Fund, Inc., artists in residence in the city;~~

(kh) To establish criteria for the selection of consultants

on the arts;

(~~li~~) To assist the city ~~and Duluth Public Arts Fund, Inc.,~~ in raising funds from public and private sources for the funding of arts projects in the city;

(~~mj~~) To report to the council at least annually on the activities of the commission and the projects that it has ~~recommended~~approved.

Sec. 2-110. Municipal arts plan.

~~As soon as practical after the establishment of the commission, t~~The commission will work with the city to~~shall~~ develop and promulgate a municipal arts plan for the entire city. Thereafter, this plan shall be periodically updated ~~but in no event less than annually~~. The plan ~~will~~shall include, ~~but not be limited to the following: a listing of long term objectives of the commission in carrying out its purpose as stated above; establish criteria for the selection of artists and works of art; criteria for approving subsidies for artists and for the performing arts; create a list of potential locations throughout the city for the placement of works of art; and develop a current list of priorities for the funding of various art projects and subsidies throughout the city; identify the existing inventory of public art work in the city; establish a collection policy; and create guidelines for public accessibility and safety.~~

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

Approved as to form:



Attorney

ATTY JCC:db 03/26/2013

STATEMENT OF PURPOSE: The purpose of this Ordinance is to amend the Duluth Public Arts Commission (Commission) Ordinance to delete all references to the Duluth Public Arts Fund, Inc. (Nonprofit) which is being dissolved and to update the role and duties of the Commission. The Nonprofit is the last remaining nonprofit which was deemed created by the City. State Statute no longer allows municipalities to create non-profits.

Under the current structure, the Nonprofit has been tasked with administrative and technical responsibility as well as contractual and fiscal agreements for administering the Municipal Arts Fund including the 1% Community Arts Set-aside. As volunteers, these duties have been time-consuming and burdensome and by necessity, the Nonprofit contracted with staff" to assist with these duties. The dissolution of the Nonprofit will bring these responsibilities into the purview of the City.

The Commission's role will be the overall promotion and visioning of arts in Duluth. The Commission will be the advisory body to the City Council and the Administration with respect to public arts-related matters. The Commission will review and advise on expenditures from the Municipal Arts Fund and will vet the artists and/or art work for the 1% Community Arts Set-aside. In addition, the Commission will advise on all public arts requests and inquiries. The Commission will also work with the City to develop a municipal arts plan for the entire city which will include an inventory of and maintenance schedule for public art.

In addition, the Ordinance reduces the size of the Commission from 13 members to 9. This will assist with quorum issues which have arisen from time to time.