



OFFICE OF THE MAYOR
CITY OF CHICAGO

RICHARD M. DALEY
MAYOR

May 9, 2007

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

Ladies and Gentlemen:

At the request of the Commissioner of Cultural Affairs, I transmit herewith an ordinance amending Chapter 2-92 of the Municipal Code regarding the Percent for Art program.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard M. Daley".
Mayor

ORDINANCE

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

SECTION 1. Chapter 2-92 of the Municipal Code of the City of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

2-92-080 ~~Artwork(s) defined~~ Definitions.

As used in this section, the term "artwork(s)" means and includes all forms of the visual arts conceived in any medium, material or combination thereof, commissioned or purchased by the city, including those received as gifts to the City of Chicago.

For the purposes of this Article II of Chapter 2-92, the term "percent for art program" shall mean a public art program funded as provided in Sections 2-92-090 and 2-92-120 of this Code.

2-92-090 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 of Chicago and every budget for a City of Chicago outdoor site improvement project to which there will be public access and that has been designated an eligible public art program project by the ~~public art committee~~ department of cultural affairs 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 2-92-120, 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.

2-92-100 ~~Administration—Department of cultural affairs.~~

The department of cultural affairs shall administer the public art program and all public art program projects, including artwork(s) received as gifts to the City of Chicago. The department of cultural affairs shall commission or purchase all artwork for each percent for art program project after consultation ~~appropriate consultations have been made with the public art committee and project advisory panel as specified in sections 2-92-130 through 2-92-160~~ 2-92-110, 2-92-140, and 2-92-160 of this code.

2-92-110 ~~Administration—Policy procedures.~~

The department of cultural affairs shall develop policy procedures for the ~~execution~~ operation of the public art program. The procedures shall ~~detail~~ describe the general administration of the public art program and shall include, but are not limited to:

(a) ~~The duties of the public art committee, conservation subcommittee and project advisory panel as defined in Sections 2-92-140, 2-92-144 and 2-92-160~~ Public solicitation of interested and capable artists through public notices in appropriate media and/or direct communication with art galleries, art schools, art museums and artists who file requests for such notification with the department of cultural affairs;

(b) The rights and responsibilities of the artist(s) selected;

(c) The receipt and placement of artwork(s) received as gifts to the City of Chicago; and

(d) The placement of artwork at temporary art exhibitions on city property, including bridge art and other similar exhibitions but not including art fairs or festivals;

(e) Procedures whereby an interested artist may file a request to be included in the list of the department of cultural affairs' artist registry; and

(f) Procedures for consultation, as required by section 2-92-160, with aldermen, community organizations and the general public in whose wards and communities public artwork will be placed as part of the program.

2-92-120 Public art program fund.

There is hereby created an account to be used solely for the commissioning or purchase of artwork(s), 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 in the public art program 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 artworks installed as part of the program.

2-92-140 Department of cultural affairs – powers and duties.

~~The public art committee shall meet at least four times per year and~~ In addition to those conferred elsewhere in this code or by other ordinance, the department of cultural affairs shall have the following additional powers and duties:

(a) to implement the public art program policy, as promulgated from time to time by the department of cultural affairs and to establish a procedure procedures for each eligible project projects;

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

(c) to determine how the public art program funds will be spent for each project and report on those expenditures on an annual basis to the appropriate City Council Committee, ~~on Special Events and Cultural Affairs or its successor committee; such a~~ The report shall be submitted in writing to such the committee and will be made available to the public at large, for each calendar year no later than May 1 of the following year, disclosing the following: the amount of the funding for the public art program fund pursuant to Section 2-92-090 and the source(s) if of such funding; the amount of such funding allocated to each specific public art project and the unspent balance; a description and the amount of each expenditure of such funding (not including maintenance and general administrative costs as set forth in Section 2-92-120) for each specific

public art project and location of each artwork(s) purchased or commissioned with such funding; and the name and city of residence of each such ~~artists~~ artist;

(d) to determine the appropriate placement of artwork(s) commissioned or purchased under the public art program as well as artwork(s) received as gifts to the city;

(e) to establish selection guidelines for the public art program ~~project projects~~, including determining whether ~~the any~~ selection will be made by open competition, limited entry (invitational) or direct selection;

(f) to maintain artwork(s) in the public art program collection in cooperation with the department of general services;

(g) ~~to review the recommendation of the project advisory panel regarding the artist(s) and artwork(s) to be selected;~~

(h) to make the final selection of the artist(s) and artwork(s) to be commissioned or purchased by the department of cultural affairs for each public art program project. Before making the final selection under this subsection (g), the department of cultural affairs shall consult with persons knowledgeable in the arts, such as artists, museum curators or directors, art patrons and academicians. Nothing in this subsection (g) shall be construed to confer on any person a right to be consulted in connection with any particular project. 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;

(i) ~~h~~ to review current and future public art program projects to insure that Chicago artists receive at least 50 percent of the number of projects representing these commissions or purchases;

(j) ~~to solicit, receive and review the comments and recommendations of the conservation subcommittee regarding the selection of sculpture restoration and conservation projects and to make the final selection of the sculpture restoration and conservation projects that will receive public art program funding; funding; and~~

(j) to solicit, receive and review comments and recommendations concerning proposed or contemplated artworks from aldermen, community organizations and residents in whose wards and communities artwork will or may be placed as part of the public art program.

2-92-160 Project advisory panels--Powers and duties Consultation with and notice to affected community.

The duties of a project advisory panel shall be as follows:

(a) ~~to carry out the guidelines of the public art program project for which it was formed; promulgated from time to time by the public art committee;~~

(b) ~~to The department of cultural affairs shall seek and obtain community input regarding the each percent for art project; and~~

(c) ~~to review artist(s) and artwork(s) to be commissioned or purchased and make recommendations to the public art committee for final approval, through the following methods:~~

(a) discussion with the alderman or aldermen of the ward(s) 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 the project; (iii) local history, 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 offer suggestions and opinions on the contemplated public art 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 of cultural affairs 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 the required notice. Forums shall be scheduled to take into account the anticipated timetable of the related construction, renovation or site improvement work. One forum shall be scheduled before commissioning or purchasing of an artwork, in order to discuss preliminary matters including the type(s) of artwork that may be appropriate to the community and to the related construction, renovation or site improvement work. An additional forum shall be convened in advance of final selection of any artist or artwork, in order to discuss proposed artwork(s) and to solicit community feedback.

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

2-92-180 Ownership of completed projects and proposals.

Ownership of all completed public art program projects shall be conveyed to the City of Chicago. Any model (in any 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 of cultural affairs 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.

SECTION 2. The Municipal Code of the City of Chicago is hereby amended by deleting Sections 2-92-130, 2-92-142, 2-92-144, 2-92-150, and 2-92-170, in their entirety.

SECTION 3. This ordinance shall take effect upon its passage and approval.