

Underline black = language added by DCA

~~Strikethrough black~~ = language deleted by DCA

~~Double strikethrough red~~ = language added by DCA deleted

Double underline red = language deleted by DCA reinserted

Underline blue = language added, not in DCA version

~~Strikethrough blue~~ = language deleted, not in DCA version

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 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 approval by

~~the public art committee commission 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 communications 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) The 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.

2-92-130 Public art ~~committee~~ commission--Established--Chairperson and membership.

There is hereby created a public art ~~committee~~ commission for the public art program. The commissioner of the department of cultural affairs shall act as chairperson of the ~~committee~~ commission. The public art ~~committee~~ commission shall consist of ~~seventeen~~ eleven members as follows:

(a) the commissioner of the department of cultural affairs;

~~(b) the commissioner of the department of aviation;~~

~~(c) the commissioner of the department of general services;~~

~~(d) the commissioner of the department of planning and development;~~

~~(e) the commissioner of the department of transportation;~~

(f) ~~b~~ the chairman of the appropriate City of Chicago City Council Committee ~~on Special Events and Cultural Affairs~~;

(g) ~~the executive director of the public building commission~~;

(h) ~~[reserved]~~;

(i) ~~one representative of the Chicago Park District~~;

(j) ~~one representative of the Chicago Transit Authority~~;

(k) ~~one member of the mayor's landscape committee~~;

(l) ~~one representative of the Chicago Public Library~~; and

(m) ~~six~~ nine members selected by the ~~commissioner of the department of cultural affairs~~ Mayor and approved by the City Council. These members shall be appointed to two-year terms or until their successors are appointed. Gallery owners and agents representing artists shall not be eligible for appointment under this subsection. Every committee commission member except those selected under subsection ~~(m)~~ (c) of this section may designate, from time to time, a surrogate to attend meetings and to vote in the member's place. A surrogate for the chairman of the appropriate committee ~~on special events and cultural affairs~~ shall be either a member of the chairman's staff or a member of the committee. A surrogate for the head of a city department shall be an employee of that same department. ~~A surrogate for a representative of any other government agency shall be an employee of that same agency.~~ The actions and votes of a designated surrogate shall be valid as the actions and votes of the member designating the surrogate.

2-92-140 Public art committee ~~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~~ oversee the public art program as established under this Article;
- (b) ~~to review proposed construction projects on a quarterly basis and determine eligible public art program projects~~;
- ~~(e)~~ 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)~~ c ~~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 each public art program project ~~projects~~, including determining whether ~~the any~~ selection will be made by open competition (artist call), limited

entry (invitational), ~~or~~ direct selection, or other method of selection, including the use of the Department of Cultural Affairs' slide registry;

~~(f d) to maintain artworks(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 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 i) 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.~~

2-92-142 ~~Conservation subcommittee—Appointment and membership.~~ Department of cultural affairs - powers and duties.

~~The public art committee shall appoint a conservation subcommittee consisting of the following six members: In addition to those conferred elsewhere in this code or by other ordinance, the department of cultural affairs shall have the following powers and duties:~~

~~(a) two members from the department of cultural affairs to review proposed construction projects on a quarterly basis and determine eligible public art program projects;~~

~~(b) two representatives of the Chicago Park District 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;~~

~~(c) one member of the art community of the City of Chicago selected by the commissioner of the department of cultural affairs from among area artists, museum curators or directors, art patrons or academicians. This member shall be appointed to a four-year term or until his or her successor is appointed to maintain artworks(s) in the public art program collection in cooperation with the department of general services;~~

~~(d) one member selected by the commissioner of the department of cultural affairs of a not-for-profit organization that is organized for the purpose of preserving art. This member shall be appointed to a four-year term or until his or her successor is appointed.~~

~~The chairperson of the public art committee shall designate one of these members as chairperson of the subcommittee to review current and future public art program projects to help insure that Chicago artists receive at least 50 percent of the number of projects representing these~~

commissions or purchases and receive at least 50 percent of the funding available under the public art program;

(e) to solicit, receive and review comments and recommendations 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; and

(f) 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.

(g) to publish on its website: (i) all notices, agendas and minutes of the public art commission pursuant to the terms of the Open Meetings Act; (ii) the financial report required under Section 2-92-140(b); and (iii) within 30 days of adoption, guidelines for each funded public art project required under Section 2-92-140(c) together with a description of each such project, its budget, and information concerning how an artist can request consideration for such project.

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 forms 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 and an agenda for the forum is posted on the Department of Cultural Affairs website at least 14 days before the date of the forum. Notice shall also be given 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 in to 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. A report on what occurred at the forums shall be posted on the Department of Cultural Affairs' website no later than 14 days after the date of the forum. All reports shall also be submitted to the public art commission for its consideration.

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

2-92-180 Ownership of completed projects.

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 artists, unless unclaimed for 90 days after the department of cultural affairs notifies the submitting artist that the city has executive 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, and 2-92-150, ~~and 2-92-170,~~ in their entirety.

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