

ARTICLE XI. PUBLIC ART PROGRAM

***Editor's note**--Ord. No. 174-00, passed 4-24-00, repealed §§14-851-14-860 of this article and enacted new provisions as herein set out.

Sec. 14-850. Preamble.

It shall henceforth be the policy of the City to provide on an annual basis regular funding for the preservation, restoration and enhancement of its public art collection. This ordinance and the funding contemplated are in recognition of the fact that only by instituting a steady stream of funding for this effort and standing by that commitment, will the City over time be able to fulfill its role as steward of its public art collection and help nurture and enrich thereby the quality of life in this City.

(Ord. No. 174-00, 4-24-00)

Sec. 14-851. Purpose.

The purpose of the Public Art Ordinance is to promote the educational, cultural, economic and general welfare of the City of Portland by providing the means to fund the acquisition and care of art works by the City of Portland, which shall be the City's Public Art Collection. The Public Art Program seeks to:

- (a) care for and maintain the Public Art Collection of the City of Portland by documenting, preserving and restoring and repairing the collection;
- (b) acquire works of public art, and to seek donations of art work for the City's Public Art Collection;
- (c) provide curatorial expertise and project management for the care of Portland's Public Art Collection;
- (d) enhance and enrich the lives of the City's residents, visitors and employees by incorporating the visual arts into public spaces;
- (e) contribute to the City's civic pride and sense of identity;
- (f) increase access to works of art for residents and visitors to the area;
- (g) enhance Portland's growing reputation as a City which celebrates the arts;

- (h) celebrate the multi-cultural and diverse character of Portland's communities with place specific art; and
- (i) encourage collaboration between artists, landscape architects, urban planners, architects, engineers and other designers.

(Ord. No. 246-91, 3-11-91; Ord. No. 174-00, 4-24-00)

Sec. 14-852. Definitions.

(a) For the purposes of this section, *art work* shall include:

- (1) Sculpture, statues or monuments in any material or combination of materials;
- (2) Painting;
- (3) Graphic arts, printmaking and drawing;
- (4) Photography;
- (5) Crafts in clay, fiber and textiles, wood, metal, plastics, glass and other materials; and
- (6) Mixed media, any combination of forms or media, including collage.

(b) For the purposes of this ordinance *public art* shall not include:

- (1) Reproductions by mechanical or other means of original works of art, except for limited editions, controlled by the artist, of original prints, cast sculptures, photographs or other works of art.
- (2) Decorative, ornamental, or functional elements which are designed by the building architect or consultants engaged by the architect which are a traditional and typical element of architectural design.
- (3) Those elements generally considered to be components of a landscape architectural design including, but not limited to, plant materials, pools, paths, benches, receptacles, fixtures and planters.
- (4) "Art objects" which are mass produced or of a standard design, such as playground sculpture or fountains.
- (5) Directional or other functional elements, such as supergraphics, signage, color coding and maps.
- (6) Electrical, water or mechanical service for activation of the work.

(7) Exhibitions and educational programs related to the work.

(8) In connection with the works of art, before or after they are installed: lighting (unless an integral element of the work of art), registration, dedication, unveiling, insurance, security, publicity or publications, and maintenance, including preservation, conservation, restoration and repair.

(9) Performing Arts.

(c) Public Art Collection: Art objects that are owned by the City of Portland which are permanently installed in public, accessible locations. Permanent public art must be located in a public place with public visibility and impact, and shall have a permanence at least comparable to associated capital projects.

(d) Public Art Guidelines: The regulations adopted by the Committee and approved by the City Council which establish procedures to carry out the purpose of this Ordinance. The guidelines shall include but not be limited to criteria for selection of artists and art works, maintenance of a file of interested artists, procedures for artistic competitions, and requirements for the maintenance of works of art.

(Ord. No. 246-91, 3-11-91; Ord. No. 174-00, 4-24-00)

Sec. 14-853. Funding.

(a) Establishment of Public Art Fund

(1) The City shall establish a special revenue fund designated as the "Public Art Fund" in the City treasury from which expenditures may be made in accordance with this ordinance. The Public Art Fund shall contain a capital account to fund permanent public improvements in the form of the purchase or acquisition of new public art, or major restorations, and an operations and maintenance account. Capital funds may come from any source, including the sale of general obligation bonds. The City's Capital Improvement Program shall contain an annual appropriation for the Public Art Fund calculated in accordance with paragraph B below. Funds for the operation and maintenance account may come from any source except bonds.

(b) City Funded Projects.

(1) A percentage of the city's Capital Improvement Program (CIP) shall be calculated and appropriated annually to the city's Public Art Fund. The annual appropriation shall be .5% of the total annual CIP.

(2) Nothing contained herein shall preclude funding the acquisition of art for municipal property in other ways.

(Ord. No. 246-91, 3-11-91; Ord. No. 174-00, 4-24-00)

Sec. 14-854. Administration.

- (a) The City Public Art Program shall be administered by the Public Art Committee whose members shall be appointed by the City Council. The Public Art Committee shall develop an annual art plan for Portland, which shall be presented to the City Council, and shall also have the following responsibilities:
- (1) Establish such guidelines as are necessary to carry out the purpose of the ordinance. The guidelines shall include but not be limited to criteria for selection of artists and art work, maintenance of a file of interested artists, review criteria for proposed gifts of art work to the city, procedures for artistic competitions, and requirements for the maintenance of art work. Any and all guidelines or changes to guidelines shall be placed on a City Council public agenda as a communication requiring a public hearing. Any guideline may be vetoed, in whole or in part, by order of the Council within forty-five (45) days of the date of filing with City Clerk. No guideline changes shall take effect until that time period has elapsed. If a part of a guideline is vetoed, the remainder shall continue in effect. Any guideline adopted, which is not required by the statutes of the state or by this article, may be waived by the chair upon good cause being shown.
 - (2) Recommend to the City Council the expenditure of funds for the acquisition of public art, for maintenance of public art and for administration of this program.
 - (3) Seek private donations of funds and/or works of art for the purposes of expanding the public art collection, or the maintenance of the collection.
 - (4) Oversee the maintenance, care and repair of the public art collection.
 - (5) Review the appropriateness of proposed public art which is intended to fulfill all or part of the contribution required by this article.
 - (6) Recommend appropriate locations and accessibility to the public for permanent art, with suggestion as to the type of art which is appropriate.
 - (7) Solicit advice from arts professionals, the business community, and from local residents on the appropriateness of proposed art.
 - (8) Recommend revisions to policies and guidelines for the improved implementation of this program.
 - (9) Develop an annual art plan for Portland.
 - (10) Ensure that the use of funds collected under this program will increase the amount of art in the city that is available to the public.
- (b) Public Art Committee - Structure.

- (1) The Public Art Committee shall be composed of nine voting members who are appointed by the City Council. The City Council shall appoint one of its members, the City Manager shall recommend a member, and The Portland Arts and Cultural Alliance shall recommend one of its members to serve on the Public Art Committee. The City Council shall appoint the remaining six members who shall be volunteers and have interest and/or expertise in public art. Such experience may include, but shall not be limited to, education and experience as an architect, a landscape architect, a professional curator, a professional artist and/or an art educator. Persons appointed to the Public Art Committee must live or work in Portland and shall be appointed through the City's annual appointment process.
- (2) Each Public Art Committee member shall serve for a period of three years. The appointments shall be staggered so that three appointments terminate each year.
- (3) Whenever a vacancy shall occur, the vacancy shall be filled by the City Council.
- (4) The Public Art Committee shall adopt its own rules for the conduct of its business not inconsistent with the statutes of the state and this article. Such rules shall be filed with the staff secretary of the Committee and with the City Clerk. Any and all rule changes shall be placed on a City Council agenda as a communication requiring a public hearing. Any rule may be vetoed, in whole or in part, by order of the Council within forty-five (45) days of the date of filing with the City Clerk. No rules change shall take effect until that time period has elapsed. If a part of a rule is vetoed, the remainder shall continue in effect. Any rule so adopted, which is not required by the statutes of the state or by this article, may be waived by the chair upon good cause being shown.
- (5) The members of the Public Art Committee shall annually elect one (1) of their members as a chair to preside at all meetings and hearings and to fulfill the customary functions of that office, and another of their members as vice-chair.

(Ord. No. 246-91, 3-11-91; Ord. No. 174-00, 4-24-00)

Sec. 14-855. Reserved.

Sec. 14-856. Reserved.

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