Passed: 9-0

ORDINANCE 94-66

TO ADD SECTION 2.12.031 TO THE BLOOMINGTON MUNICIPAL CODE (Establishing the Percentage for the Arts Program)

WHEREAS, the City of Bloomington accepts responsibility for expanding the opportunities for its citizens to experience public art and other projects resulting from the creative expression of artists in public places of the City; and

WHEREAS, public art has enabled people in all societies to better understand their communities and their individual lives; and

WHEREAS, artists capable of creating art for public places must be encouraged; and

WHEREAS, in order to sustain the City's economic and cultural vibrancy, the Growth Policies Plan recommends the development and use of outdoor art and space in all public buildings for artistic expression; and

WHEREAS, the enhancement of the public places of the City and the resulting rise in the standing of the City as a regional leader in the arts will have substantial economic benefits in the form of increased tourism and the consequent increase in retail activity; and

WHEREAS, appropriate sources of revenue, like those based upon tourism, should be sought to help fund public art;

NOW THEREFORE BE IT HEREBY ORDAINED THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. The Bloomington Municipal Code be amended by adding Section 2.12.031 Percentage for the Arts Program which shall read as follows:

2.12.031 Percentage for the Arts Program. A policy is established to include works of art and design services of artists in capital projects of the City.

1) Purpose. The City of Bloomington through the Commission accepts responsibility for expanding the community's experience with art by bringing art to public places. Public art has enabled people in all societies to better understand and enrich their individual and collective lives. In order to sustain our economic and cultural vibrancy, the City supports public art and the artists who make it possible. A policy is therefore established to include works of art and/or design services of artists in certain city capital projects.

(2) Definitions. For the purposes of this chapter the following terms shall have the following meanings:

"Annual Public Art Projects Plan" means a prioritized list of art projects, with budgets and recommended design approach, developed by the Commission in consultation with City departments anticipating capital projects.

"City building" means a fixed structure with walls and a roof that will be owned by the City of Bloomington.

"City capital project" means any permanent capital project paid for, wholly or in part, by the City of Bloomington to construct or remodel any building, structure, park, utility, street, sidewalk, or parking facility, or any portion thereof, that will be owned by the City.

"Commission" means the Bloomington Community Arts Commission.

"Construction Costs" means the cost of the project excluding costs for acquisition of land, design, and financing.

"Funds" means a source of money for construction projects from which art is not precluded as an object of expenditure.

"Guidelines" means a document that outlines how the city will implement the arts program, which shall include but not be limited to methods for the selection of artists, for selection and placement of works of art and for the education and promotion of public art.

"Landscaping " means areas, including the pedestrian portions of streetscapes, where by grading, placing concrete or rock, or planting vegetation, the natural features of a site are made more attractive.

"Municipal Arts Fund" means a dedicated fund for administration of the public art program.

"Parks Facilities" means amphitheaters, fountains, pools, pedestrian ways, sports areas and other improvements where people gather or play.

"Public Art" is an original work of art of the highest quality created by an artist, artists, or a collaboration of design professionals which belongs and is accessible to the public, is integrated into the site, and enhances the quality of city life.

(3) Commission Authority. The Commission shall:

a) Prepare a set of guidelines for carrying out the City's public art program which shall be submitted in the form of resolutions to the Board of Park Commissioners, the Board of Public Works and the Common Council.

b) Review the City's annual Capital Improvement Plan with city officials and jointly submit an annual Public Art Projects Plan to the appropriate board having responsibility over the project for their recommendation and to the Common Council for their approval. The annual Public Art Projects Plan, which may be incorporated into the annual Capital Improvement Plan, shall be submitted to the Council for their consideration at the same time as the Civil City budget.

c) Encourage and pursue additional funds for the program which may be deposited in the Municipal Arts Fund.

d) Acquire works of art, retain consultants or hire employees, and take other reasonable measures within its appropriations to administer the public art program.

(4) Criteria for the selection and placement of public art. The following criteria shall be used for the selection and placement of public art:

a) Public art shall be located in areas where residents and visitors live and congregate and shall be highly accessible and visible;

b) Areas such as the entryways, downtown, neighborhoods, and the parks shall be treated as separate areas that deserve separate attention in the guidelines;

c) Since public art has a significant effect on the lives of those who frequent public places, public art should reflect enduring, and not transitory, artistic concepts;

d) Public art shall reflect the cultural and ethnic diversity of this City without deviation from a standard of excellence;

e) Selection shall also take into account appropriateness to the site, permanence of the work in light of surrounding environmental conditions, maintenance requirements, quality of work, likelihood the artist can successfully complete the work within the available funding, and works of art already in the public art collection.

(5) Funds for Works of Art. Appropriations for certain city capital projects shall include an amount not less than one percent (1%) of the City's contribution to the estimated construction costs of the project for public art. These city capital projects shall include the construction or renovation of all city buildings, and shall be otherwise limited to the construction of parks facilities and the landscaping portion of major projects that are approved in the annual public arts projects plan.

(6) Municipal Arts Fund. The funds for public art include the allocation of one percent (1%) of the construction costs of certain city capital projects along with donations, grants, and all other appropriations for public art. Those funds shall be deposited in a Municipal Arts Fund unless they are for a city capital project, in which case, they may be kept as other funds for capital projects are kept.

Expenditures from this fund may be used for design services of artists and for the selection, acquisition, commissioning, and display of art works, for maintenance, and administration of the program as outlined in the Guidelines and annual Public Art Project

Plan. Funds appropriated as part of one project, but not deemed necessary in total or in part for said project, may, if not precluded by any law, be expended on other projects or purposes approved in the annual Public Art Project Plan.

SECTION II. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION III. This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 2nd day of November, 1994.

Jim Sherman
JIM SHERMAN, President
Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 3rd day of November, 1994.

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 4th day of November, 1994.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance, sponsored by Patricia Cole, establishes a Percentage for the Arts Program where at least one percent of the City's contribution to certain capital projects will be invested in public art. These capital projects include the construction and renovation of all city buildings and is otherwise limited to the construction of parks facilities and the landscaping portion of major projects that are approved as part of the Annual Arts Projects Plan. According to the ordinance, the Bloomington Community Arts Commission (BCAC) will meet with city officials, review the Capital Improvement Plan for the next year, and propose a Public Art Projects Plan that should, after receiving a recommendation of the appropriate board, be considered by the Common Council at the same time as the Civil City Budget. The BCAC is also responsible for preparing Guidelines for implementing the ordinance, which outlines criteria for the selection and placement of art and creates a Municipal Arts Fund. Monies for public art shall be deposited in the Municipal Arts Fund or kept as other monies for capital projects are kept.

Signed copies to:
BCAC
Controller
Public Works
Parks Dept
Legal (5)

BMC File
Clerk
CA/CA