

ORDINANCE NO. 13858

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE,
PART II, CHAPTER 9, DIVISION 1, SECTIONS 9-2, 9-4, 9-5,
AND 9-6, RELATIVE TO THE PUBLIC ART COMMISSION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA,
TENNESSEE:

SECTION 1. That Chattanooga City Code, Part II, Chapter 9, Division 1, Section 9-2, Membership and term of office, be amended by deleting same in its entirety and substituting in lieu thereof with the following:

Sec. 9-2. Membership and term of office.

The Commission shall be composed of no fewer than nine (9) and no more than thirteen (13) members (“Members”) to be appointed by the Mayor and to serve without compensation. All members of the Commission shall be confirmed by Chattanooga City Council. Members should have considerable knowledge and experience in public art, the visual arts, architecture and/or urban design and must live or work in Chattanooga.

The term of the members shall be as follows:

Visual artist members shall serve a one (1) year term and can be reappointed for up to six (6) consecutive terms. Other Members shall serve a three (3) year term and can be reappointed for one (1) consecutive three (3) year term, with each member serving no more than six (6) consecutive years. The Commission shall be comprised of the following:

1. At least two (2) practicing visual artists;
2. At least two (2) design professionals such as architects, landscape architects, or urban planners;
3. At least one (1) representative from a local arts and culture organization; and
4. Individuals with either a specific professional expertise or significant advocacy or leadership experience in public art, the visual arts or urban design.

SECTION 2. That Chattanooga City Code, Part II, Chapter 9, Division 1, Section 9-4, Duties of the Commission, be amended by deleting same in its entirety and substituting in lieu thereof with the following:

Sec. 9-4. Duties of the Commission.

The Commission shall:

1. Adopt public art guidelines, which shall include criteria for accepting donations or gifts, (both cash and tangible art), deaccession of artwork, proposals for memorials and monuments on city-owned property, methods for the artist selection for public art projects;
2. Establish and approve the Public Art Program mission, programmatic goals, and policies;
3. Develop an annual Public Artwork Plan charting current and future public art projects, determining resources, and funding priorities;
4. Advise on the development of an entrepreneurial financial structure that provides for professional consulting fees for services and projects outside of the Public Artwork Plan;
5. Acting through the Public Art Division, provide a summary of procurement procedure completion and award recommendation to the Department of Finance and Purchasing Division, in order to provide the basis for a Purchase Order Contract;
6. Serve as the key advocacy body for the Public Art Program and participate in community outreach activities and events;
7. Promulgate rules and regulations consistent with this ordinance to facilitate the implementation of the Commission's responsibilities hereunder;
8. In order to carry out and facilitate the Commission's general purposes, it shall have authority to:
 - a. Elect a chairman and such other officers as it may deem necessary to carry out the functions and duties of the Commission;
 - b. Promulgate and maintain its own regulations and bylaws;
 - c. Approve advisory committees or panels of experts as necessary to assist in the discharge of its duties;
 - d. Recommend expenditure of any money allocated to the Commission by the City for public art projects;

- e. Review and accept any donations to the City of public artworks or funds for public art projects;
- f. Review and accept the deaccession of artwork;
- g. Review and accept proposals for memorials and monuments on city-owned property;
- h. Recognize individuals, institutions and organizations who exemplify excellence in public art endeavors by bestowing upon such individuals, institutions, and organizations such awards and commendations as the Commission from time to time deems appropriate; and
- i. Expend funds for the acquisition of a public art project in accordance with public art guidelines and City procurement policies.

SECTION 3. That Chattanooga City Code, Part II, Chapter 9, Division 1, Section 9-5, Financing, be amended by deleting same in its entirety and substituting in lieu thereof with the following:

Sec. 9-5. Financing.

1. City funds designated for public art projects may only be used for the planning, design and/or implementation and administration of a public art project, including the acquisition, commission, planning, design, installation, production, presentation, performance, maintenance, and insurance of Public Art.

If designated funds are insufficient to fund a public art project, proceeds deposited may, in conformance with state and federal law, accumulate until they are sufficient to fund a public art project.

2. In addition to City capital funds, donations from private persons or entities and state or federal monies may be expended on public art projects in accordance with Public Art guidelines and City procurement policies.
3. The percentage of the funds for any commissioned or donated public art project set aside for maintenance, as determined by Public Art guidelines, shall be maintained in a separate public art maintenance fund for the sole purpose of ongoing care and maintenance of the City public art collection.

SECTION 4. That Chattanooga City Code, Part II, Chapter 9, Division 1, Section 9-6, Public Art Program Staff, be amended by deleting same in its entirety and substituting in lieu thereof with the following:

Sec. 9-6. Public Art Program Staff.

The Commission shall support the efforts of the City Public Art Division and its staff. Public Art Division Staff shall be employees of the City of Chattanooga and funded through the City's operational budget or approved use of public art capital project funds.

The Staff's responsibilities include the following:

1. Manage the City's public art program and facilitate communication among the Commission, selection panels and other City departments, City Council and various panels, private developers, peer professionals, community members, and others;
2. Oversee the percent for art budget, including regular meetings with the Capital Planner to assess project eligibility for current and projected Capital Improvement Program projects;
3. Administer the City's artist and artwork selection and approval processes;
4. Manage the design, fabrication, and installation of public artwork only on City-owned or leased property funded by the Public Art Fund, including Percent for Art in new Capital Improvement Program projects;
5. Oversee the documentation, care, and maintenance of the City of Chattanooga's public art collection in coordination with the appropriate City division and/or third-party conservator in coordination with the appropriate City division who is responsible for the site of the artwork;
6. Administer the donation program for artwork gifts and memorials to the City of Chattanooga from foundations, private individuals, collectors, artists, foreign cities, or countries;
7. Administer the public art funds and accounts; and
8. Direct the public relations, community outreach, and general education of the public art program.

SECTION 5. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: July 19, 2022



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR

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