

ORDINANCE NO. 1048

AN ORDINANCE ENACTING STAYTON MUNICIPAL CODE TITLE 2,
CHAPTER 40, ESTABLISHING A PUBLIC ARTS COMMISSION

WHEREAS, The City of Stayton does from time to time acquire works of art to be displayed on public property;

WHEREAS, the City has had not process or procedures in place for the review and approval of potential art acquisitions;

WHEREAS, having a Public Arts Commission will provide recommendations to the City Council on the acquisition, maintenance and disposal of public art;

WHEREAS, the City Council finds it in the interest of the public welfare to establish amend the Stayton Municipal Code to establish a Public Arts Commission;

NOW, THEREFORE, the City of Stayton ordains:

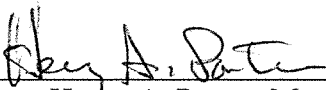
Section 1. Title 2, Chapter 40 enacted. Chapter 2.40 of title 2 of the Stayton Municipal Code, as contained in Exhibit 1 attached hereto, is hereby enacted.

Section 2. Effective Date. This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.

ADOPTED BY THE STAYTON CITY COUNCIL this 22nd day of February, 2021.

CITY OF STAYTON

Signed: 2/26, 2021

BY: 
Henry A. Porter, Mayor

Signed: 2/26, 2021

ATTEST: 
Keith D. Campbell,
City Manager

EXHIBIT 1

TITLE 2. ADMINISTRATION AND PERSONNEL

Chapter 2.40

PUBLIC ARTS COMMISSION

SECTIONS

- 2.40.010 Establishment
- 2.40.020 Membership, Appointment, Terms, Organization
- 2.40.030 Responsibilities
- 2.40.040 Standards and Rules
- 2.40.050 Funding; Establishment of a Public Art Fund
- 2.40.060 Process for Acquiring Public Art
- 2.40.070 Guidelines for Recommendation by the Commission

2.40.010 ESTABLISHMENT

There is hereby created and established a Public Arts Commission for the City of Stayton, Oregon. The purpose of this commission is to promote the educational, cultural, economic and general welfare of Stayton by actively pursuing the placement of public art in public spaces within Stayton city limits while also serving to preserve and develop public access to the arts.

The term "art" shall include, but not be limited to:

1. Artwork in Mixed Medias.
2. Ceramic Arts.
3. Fiber and/or Textiles Arts.
4. Graphic Arts, Printmaking, Drawing.
5. Painting.
6. Photography.
7. Sculpture.
8. Statuary and/or Monuments.
9. Temporary Works of Art.
10. Wood, Metal, Plastics, Glass.

The Commission may assist the City Council, the Parks and Recreation Commission, and the Planning Commission in using public art to enhance existing development in public parks and other public lands and in public structures.

The commission shall advise the Planning Commission, the Parks and Recreation Commission, other City commissions and committees and City departments regarding

artistic components of all municipal government projects under consideration by the City. The Commission may also serve as a resource for artistic components of land use developments.

The Commission shall develop and recommend to the City Council policies and programs that would enhance and encourage the planning, placement and maintenance of public displays of art in locations open to the public within the community

2.40.020 MEMBERSHIP, APPOINTMENT, TERMS, ORGANIZATION

1. The Public Arts Commission shall consist of five members to be nominated by the Mayor and confirmed by the City Council to serve three-year terms and may be appointed for any number of terms.
2. Appointments shall be made at the first regularly scheduled city council meeting each year. The mayor will appoint two people to three-year terms and two people to two-year terms and one person to a one-year term; thereafter appointments shall be made as terms expire for three-year terms.
4. The Commission shall consist of five members who shall be volunteers and have an interest, education and/or expertise in public art. Such experience may include, but shall not be limited to, education and experience as an architect, landscape architect, professional curator, professional artists, art educators or interested community members with experience in the arts. These five members of the commission shall reside in the City of Stayton.
5. At the initial meeting, Public Arts Commission members shall organize by selecting a chair and a vice-chair from the membership. Thereafter, these elections shall occur at the first regular meeting of each calendar year. The Public Arts Commission may make rules and regulations for its own governance and procedures consistent with the laws of the State of Oregon as well as the charter and ordinances of the City Stayton. Three voting members of the Public Arts Commission shall constitute a quorum.
6. The Public Arts Commission shall meet at least quarterly each calendar year and may hold additional meetings as set by the commission. Public Art Commission meetings are public meetings and require notice to the general public. A commission member who misses more than two consecutive meetings which are unexcused loses the member's status as a Public Arts Commission member. Absences due to sickness, death of a family member or similar emergencies shall be regarded as approved absences and shall not affect the member's status on the commission. In the event of a long illness, or such cause for prolonged absence, the member may be replaced.
7. Vacancies upon the commission shall be filled by appointment by the City Council, after the position has been advertised and applications are received and reviewed by the City Council. The newly appointed member will fill remaining term of the vacant commission position.
8. The members of the Public Arts Commission shall receive no compensation for their services.

2.40.030 RESPONSIBILITIES

It is the responsibility of the Public Arts Commission to assist the City Council and/or other City of Stayton boards and/or commissions in using public art to enhance existing development in public parks and other public lands and in public structures. The Public Arts Commission shall

1. Advise the City Council and/or other City of Stayton boards and/or commissions and city departments regarding artistic components of all municipal government projects under consideration by the City.
2. Recommend expenditures of funds to the City Council for the acquisition of public art, for maintenance of public art and for administration of this program.
3. Develop and recommend to the City Council policies and programs that would enhance and encourage the planning, placement, insurance and maintenance of public displays of art in locations within the community open to the public.
4. Work with the City of Stayton to assure all public art is placed or installed in accordance with current city or state standards or laws.
5. Oversee the maintenance, care and repair of the public art collection. Oversee proper written and visual documentation and cataloguing of the Public Art Collection.
6. Recommend revisions to policies and guidelines for the improved implementation of this program.
7. 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.
8. Seek private donations of funds, works of art, devises of property, and grants for the purposes of expanding the public art collection or the maintenance of the collection. Donations of cash can be accepted by the Public Art Commission unless attached or restricted by/with a contingency, condition or caveat. Any donation with restrictions must be approved by the City Council. All donations of art must be approved by the Public Art Commission. All donations of property or tangible assets for public art must be approved by the Public Art Commission and the City Council. Review the appropriateness of proposed public art which is intended to fulfill all or part of the contribution required by this ordinance.
9. Recommend appropriate locations and accessibility to the public for permanent public art.
10. Review and make a recommendation to the City Council regarding approval and acceptance of any public art to be donated by a private individual or organization.

2.40.040 STANDARDS AND RULES

1. Members of the Public Arts Commission shall operate in the interest of the general public and serve the community as a whole.
2. Commission members shall not participate in the endorsement of any commercial product or enterprise. Commission members shall not participate in any decision regarding an organization in which they are member.

3. All commission members may vote on any matter coming before the commission, except as the ethics laws of the State of Oregon may provide.

2.40.050 FUNDING; ESTABLISHMENT OF A PUBLIC ART FUND

The City shall establish a special revenue fund designated as the "Public Art Fund" in the City budget from which expenditures may be made in accordance with this Chapter. The Public Art Fund shall contain a capital account to fund public improvements in the form of the purchase or acquisition of new public art as well as an operations and maintenance account. Capital funds may come from any source, including the sale of general obligation bonds.

2.40.060 PROCESS FOR ACQUIRING PUBLIC ART

The Public Art Commission will call for entries by issuing a request for proposal, a request for qualification or by invitation. The call for entries will include specific guidelines and criteria for the specific project. Every call for entry must comply with the City's public contracting rules.

1. Acquisition. Acquisition of public art will generally result from:
 - A. The commissioning or purchasing of a work of public art by the City using city funds or donated funds, in accordance with public contracting laws; or
 - B. An offer made to the City to accept a work of public art as a gift, donation, or loan.
2. Removal. Removal of public art may be by request or owing to some damage or destruction of the artwork.

2.40.070 GUIDELINES FOR RECOMMENDATION BY THE COMMISSION

1. Selection Guidelines for Works of Public Art.
 - A. Quality. The artwork should be of exceptional quality and enduring value.
 - B. Site. The artwork should enhance the existing character of the site by taking into account scale, color, material, texture, content, and the social dynamics of the location.
 - C. History and Context. The artwork should consider the historical, geographical, and cultural features of the site, as well as the relationship to the existing architecture and landscaping of the site.
 - D. Initial Cost. The total cost of the artwork, including all items related to its installation, should be considered.
 - E. Maintenance and Durability. The durability and cost to maintain the artwork should be considered and quantified, particularly if the work is servicing, repainting, repairing or replacement of moving parts.
 - F. Permanence. Both temporary and permanent art works shall be considered.
 - G. Media. All forms of visual media shall be considered, subject to any requirements set forth by city ordinance.

- H. Public Liability. The artwork should not result in safety hazards, nor cause extraordinary liability to the City.
 - I. Diversity. The artwork in the Stayton Public Art Collection should encourage cultural diversity.
 - J. Commercial Aspect. The artwork shall not promote goods or services of adjacent or nearby businesses.
 - K. Compliance. Artworks shall not violate any federal, state, or local laws.
2. Guidelines for Site Selection.
- A. Ownership or Control. Public art should be placed on a site owned or controlled by the City, or there should be a written agreement or legal instrument, granting the City permission to use the property for public art purposes, including access for installation, maintenance and removal.
 - B. Visual Accessibility. Public art should be easily visible and accessible to the public.
 - C. Visual Enhancement. Public art should visually enhance the overall public environment and pedestrian streetscape.
 - D. Pedestrian Accessibility. Public art should experience high levels of pedestrian traffic and be part of the City's circulation paths.
 - E. Circulation. Public art should not block windows, entranceways, roadways, sight vision triangles, or obstruct normal pedestrian circulation or vehicle traffic. The City's Public Works Department shall review and approve of locations in or adjacent to street rights of ways prior to placement.
 - F. Scale. Public art should not be placed in a site where it is overwhelmed or competing with the scale of the site, adjacent architecture, large signage, billboards, etc.
3. Removal.
- A. The Commission may recommend removal and/or disposal based on one or more of the following conditions. No public hearing is required for a removal recommendation.
 1. The site for an artwork has become inappropriate because the site is no longer accessible to the public or the physical site is to be destroyed or significantly altered.
 2. The artwork is found to be forged or counterfeit.
 3. The artwork possesses substantial demonstrated faults of design or workmanship.
 4. The artwork causes excessive or unreasonable maintenance.
 5. The artwork is damaged irreparably, or so severely that repair is impractical.
 6. The artwork presents a physical threat to public safety.

7. The artwork is rarely displayed.
8. A written request for removal has been received from the artist.

B. Council Removal Process.

1. On its own motion, or following receipt of a recommendation from the Commission the Council may remove and dispose of any artwork previously accepted into the Stayton Public Art Collection in their sole discretion.
2. Acceptance or placement of donated art by the City does not guarantee continuous public display of the artwork regardless of physical integrity, identity, authenticity, or physical condition of the site.
3. Removal officially deletes the work from the City of Stayton Public Art Collection by a relinquishment of title to the artwork; thus, eliminating the City's obligation to maintain and preserve the artwork.
4. Notwithstanding the above, artwork shall be disposed of in accordance with any specific terms for removal and disposal set forth in the contract with the Artist.

C. Removal and Disposal.

1. The City may donate the artwork to another governmental entity or a nonprofit organization.
2. A work that is deemed to have retained sufficient monetary value to warrant resale shall be disposed of through a public sale, auction, or any other means as established by city ordinance.
3. Artworks removed from the Stayton Public Art Collection may be disposed of through any appropriate means, including the City's procedures for the disposition of surplus property.

