

Chapter 2.114 PUBLIC DEVELOPMENT ARTS PROJECTS

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Section 2.114.010 Short title.

The ordinance codified in this chapter shall be known as the "Public Development Arts Ordinance of 1979." (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 1(A))

Section 2.114.020 Findings.

The City Council finds that:

A. The City recognizes that it has a responsibility to make the advantages of the arts available to its residents; that construction projects financed with public funds normally include expenditures for finishing and adornment which, if effectively planned and executed will help the City to fulfill this responsibility;

B. The City wishes to increase the benefits which its citizens will derive from the creative efforts of artists;

C. The City should expand the access of its residents to the benefits of the arts by designating a portion of appropriations for capital expenditures for the acquisition, creation, design and/or development of art which shall be utilized in and about City buildings and public facilities. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 1(B))

Section 2.114.030 Purpose.

The purposes of this chapter are:

A. To promote the enjoyment of the arts by the residents of the City by increasing the quantity and quality of such arts available in public buildings, facilities and spaces;

B. To improve and expand the value and use of public buildings and facilities through the placement in such buildings and facilities of distinguished works and creations of artistic endeavor; and

C. To create a funding program which, without substantially increasing the total cost of construction projects as defined in this chapter, will ensure that arts are acquired, created, developed and otherwise made available for the enjoyment of the residents of the City. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 1(C))

Section 2.114.040 Definitions.

For the purposes of this chapter the following words and descriptions shall have the following meanings:

A. "Cambridge Arts Council" means the Council established in 1974 by order of the City Council.

B. "Construction project" means any capital project paid for in full or in part by the City, through its own eligible funds or with eligible funds appropriated to it by other governmental units, to construct or remodel any building, decorative or commemorative structure, park, street, sidewalk, parking facility or utility or any portion thereof within the corporate limits of the City and with respect to the construction of which bidding is required under State law.

C. "Eligible funds" means a source of funding for construction projects from which arts are not excluded as an appropriate purpose for expenditure.

D. "Public Development Arts Fund" means the fund set aside by this chapter in the City treasury for the purpose of allocating moneys for the development and creation of arts in and upon public construction projects in the City.

E. "Public development arts project or projects" means art to be funded from the public development arts fund; such projects may be an integral part of a building, attached to a building, placed within or outside of a building, or in the case of performing arts performed in a public building or space; said art may include but shall not be limited to, paintings, sculpture, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, bas-reliefs, tapestries, photographs, drawings, drama, instrumental or vocal music, dance and landscape items, including the artistic placement of natural materials or manmade fountains or objects or other functional art objects.

F. "Supplemental funds" means those funds appropriated by the City Council or contributed by individuals or other sources, and placed in the Public Development Arts Fund in addition to those funds made available from eligible funds, which shall be used for implementing the purposes of this chapter. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 2)

Section 2.114.050 Cambridge Arts Council--Powers and duties.

To carry out its responsibilities under this chapter, the Cambridge Arts Council shall:

A. Establish annually, after meetings held regularly with relevant City agencies, private, nonprofit organizations, neighborhood organizations and interested Cambridge citizens and artists, and after holding a public hearing publicized for a full calendar week in at least two newspapers of local general circulations a plan for the development and creation of arts in public buildings and spaces in the various neighborhoods and sections of the City; such plan shall include an itemization of the City's priorities for choosing, creating and placing works of art in public buildings within the neighborhoods of the City; preferences for the types of works to be financed and developed during the fiscal year, and guidelines for the selection of artists and locations for public development arts projects;

B. Select public development arts projects, following consultation with such of the parties referred to in subsection A of this section, and, as a usual practice, with the assistance of a professional arts jury appointed by the Cambridge Arts Council, as may be appropriate;

C. Determine the geographic location of such works of art and architecture, and the location within individual sites and buildings where such works shall be placed or created; provided, that to the maximum feasible extent each such public development arts project shall be placed, created or performed in and about the construction project from which funds were derived for payment of that public development arts project;

D. Establish budgets for all commissioned projects, including budgets for materials, fees, operating and maintenance expenses, and other reasonably contemplated items of

expense in the acquisition, development, creation, implementation, and, where applicable, ongoing maintenance of such projects;

E. Establish procedures to be followed by other departments for the maintenance and preservation of such works of art;

F. Establish rules and regulations, with the approval of the City Manager, to provide for the proper administration and implementation of its responsibilities, including necessary administrative budget and such rules and regulations as may be required for the selection of artists and art works; commissioning and contracting with such artists; criteria for the allocation of works of art among the various neighborhoods of the City; criteria for choosing among various artists and recommending acquisition of various works of art or art projects, and such other rules as may be appropriate or necessary for the implementation of this chapter;

G. Make an annual report to the City Council describing its program for meeting its responsibilities under this chapter. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 3)

Section 2.114.060 Public Development Arts Fund--Allocation and designation.

All requests by City departments for appropriations or other authorizations for construction projects from eligible funds shall include and set aside an amount equal to no less than one percent of the total estimated costs of such projects for art; copies of such requests, authorization, application, proposals or appropriations shall be delivered by the City department or agency responsible for obtaining the eligible funds to the Cambridge Arts Council as early as possible in the planning stages of the projects. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 4(A))

Section 2.114.070 Public Development Arts Fund--Created--Purpose.

There is created a Public Development Arts Fund in the City Treasury, into which money collected by appropriations under Section 2.114.060 of this chapter and supplemental funds shall be placed. The fund shall be used by the Cambridge Arts Council exclusively to carry out the purposes of this chapter. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 4(B))

Section 2.114.080 Public Development Arts Fund--Expenditure time limitations.

Any moneys appropriated to the Public Development Arts Fund which have not been spent within three years of such appropriation, or, upon special approval by the City Council, within five years, shall be transferred to the City's general fund for the purposes of the general art needs of the City; provided, that funds derived from revenue or general obligation bond issues authorized by the City Council or from utility revenues or other special purpose or dedicated funds shall revert to the funds from which they derive at the expiration of the three or five-year period, whichever applies. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 4(C))