

**PUBLIC ART ORDINANCE**

**RALEIGH CITY CODE**

**PART 9 – PARKS, RECREATION AND CULTURAL AFFAIRS**

**CHAPTER 10 – ARTS COMMISSION**

**ARTICLE B – PUBLIC ART**

*(CONSOLIDATED VERSION AS OF OCTOBER 4, 2011)*

**Sec. 9-10006.**

**PUBLIC ART AND DESIGN BOARD.**

The Chair of the Arts Commission shall, within thirty days of the enactment of this ordinance, appoint a Public Art and Design Board. The membership of the Board shall be seven (7) members. The members of the Board may be residents or nonresidents of the *City* and *shall* be appointed by the Arts Commission Chair. Subsequent members shall be appointed by the Chair of the Arts Commission and serve according to the time and term limits of Part One, Chapter 4 of the Raleigh City Code. The Public Art and Design Board *shall* develop a public art policy establishing guidelines for the Public Art Program and will forward the same to the *City Council* for approval. The *City Manager shall* review all eligible projects approved as a part of the annual Capital Improvement Program (CIP) and refer them to the Public Art and Design Board. The Public Art and Design Board *may* request the *City Manager* to review his recommendation if it feels that an eligible project was not forwarded for review. The Public Art and Design Board *shall* collect all available information about the project including budget, site, schedule and constituent interests. The Public Art and Design Board *shall* then determine the desirability of a call for artists and the nature and geographical extent of that call. Once the Public Art and Design Board has determined a project is appropriate for public art it *shall* appoint an Artist Selection Panel (ASP) ranging in size from three (3) to seven (7) members to serve in selecting art for the project. Before the appointment of the first ASP the Arts Commission *shall* establish *written* criteria to use in selecting art for public placement. At least one member of the ASP must be a member of the Public Art and Design Board. The other members *may* be an artist, an arts professional, a design professional, and a representative of the department or *agency* in whose building or on whose *property* the proposed work will be located. The members are not required to be members of the Arts Commission. The department or *agency* representative will be named by the *City Manager*. The ASP *shall* interview and select an artist for the project and forward that recommendation to the Public Art and Design Board which will approve or disapprove the recommendation. If the recommendation is approved it will be forwarded to the *City Council* as information. The *City Manager* will then negotiate a contract between the *City* and the artist.

**Sec. 9-10007.**  
**ELIGIBLE PROJECTS.**

CIP projects which are required to be bid or otherwise contracted for pursuant to the provisions of N.C.G.S. 143-129 and provide significant general public access such as public safety centers, senior centers, parks and recreation buildings and community centers and streetscape projects as examples *shall* be eligible for funding. Streetscape projects *shall* include, but not be limited to, all roadway improvements for all Gateway arteries and thoroughfares. Streetscape projects *shall* not include general roadway landscape improvements, small intersection improvement projects, or traffic calming projects. The amount of funding for a project *shall* be one-half (1/2) of one (1) percent of the estimated construction costs of the bid or other price obtained under the above referenced statute. Land acquisition, professional services (architectural, engineering, surveying, etc.), furnishings and equipment and all other soft costs are not to be included in the amount subject to the one-half (1/2) of one (1) percent allocation.

**Sec. 9-10008.**  
**FUND MANAGEMENT.**

It is recognized that all projects otherwise eligible according to the provisions of §9-10007 are not necessarily suitable for the installation of public art. If it is determined that a project is not suitable for public art the one-half percent of its cost will be placed into an account for the maintenance and acquisition of public art. Money held in this account *may* only be appropriated upon recommendation from the Public Art and Design Board. Money from this fund may be used to maintain art, acquire art for public projects that do not qualify under §9-10007 or to supplement the one-half percent amount for an eligible project. The fund *may* be *used for* artist design services, acquisition of art, maquettes, shipping or other expenses, including administration of the program, required to obtain and place the art. It is permissible to spend more than one-half percent of the project cost on art for the project so long as the remainder of the cost is privately funded or paid for by an additional appropriation upon recommendation by the Public Art and Design Board.

**Sec. 9-10009.**  
**PROJECT COORDINATION.**

It is understood that coordination between the Public Art Program and *City* construction management is vital to achieve timely completion of CIP projects. In order to achieve this cooperation the chair of the ASP for a particular project *shall* make every effort to expedite the public art side of a project and the City construction management staff and arts staff *shall* cooperate fully with the project ASP. The City *shall* include in any professional service RFP or RFQ language that indicates one or more artists *may* be included on the design team and will be selected by an independent process. The project architect *shall* be informed during negotiations for the architect's professional services of the requirement for artist involvement in the process which *may* include the artist on the

project design team. Any unresolved conflict shall be decided directly by the *City Council*.

**Sec. 9-10010.**

**FORM AND MEDIUM.**

Any art acquired pursuant to this policy *shall* be designed and created by visual artists. In addition to the traditional forms of art such as sculpture, painting, fresco, glass, mosaic and others the public art requirement *may* also be met by incorporating artistic elements into the overall architectural design if created by a visual artist. Any art installed pursuant to this program *shall* become and remain the *property* of the *City of Raleigh*.

**Sec. 9-10011.**

**ADMINISTRATIVE ACTION.**

Within sixty (60) days after the passage of this ordinance the *City Manager shall* cause to be created an administrative process to guide the various *City* contracting departments as to how each is to interact in the percent for public art process.

*Established* by Ordinance No. 2009 – 563 adopted March 17, 2009 and effective July 1, 2009

*Amended* by Ordinance No. 2009 – 643 adopted and effective September 1, 2009

*Amended* by Ordinance No. 2011 – 874 adopted May 3, 2011 and effective July 1, 2011

*Amended* by Ordinance No. 2011 – 952 adopted and effective October 4, 2011