

City of Dallas Code

Chapter 2

ARTICLE X. PUBLIC ART PROGRAM.

SEC. 2-101. PURPOSE.

The city recognizes the importance of expanding the opportunities for its citizens to experience public art and other projects resulting from the creative expression of its visual artists in public places of the city. The city further recognizes the substantial economic benefits to be gained in the form of increased tourism through enhancement of public spaces and consequent retail activity throughout the city. A policy is established in this article to include works of art and design services of artists in certain city capital improvement projects. (Ord. Nos. 20064; 20267)

SEC. 2-102. DEFINITIONS.

- (1) ANNUAL PUBLIC ART PROJECTS PLAN means a prioritized list, to be recommended by the arts and culture advisory commission and approved by the city council, of visual projects, including budgets and recommended design approaches, developed by the public art committee in consultation with city departments anticipating capital improvement projects.
- (2) BONDS means all general obligation bonds, revenue bonds, certificates, notes, or other obligations authorized and issued by the city.
- (3) CITY means the city of Dallas, Texas.
- (4) CITY BOND PROCEEDS means the proceeds from bonds payable from a pledge of all or part of any revenues, funds, or taxes, or any combination thereof. The term does not include proceeds of bonds authorized and issued by the city to refund or otherwise refinance other bonds.
- (5) CITY CAPITAL IMPROVEMENT PROJECT means any permanent public improvement project paid for wholly or in part by monies appropriated by the city to construct, improve, or renovate a building, including its appurtenant facilities, a decorative or commemorative structure, a park, a street, a sidewalk, a parking facility, a utility, or any portion thereof, within the city limits or under the jurisdiction of the city. This term includes projects at the Dallas/Fort Worth International Airport only upon approval of the public art program by the airport board and the city of Fort Worth.
- (6) DEMOLITION COSTS means payments for any work needed for the removal of a building or other existing structure from city property.
- (7) EQUIPMENT COSTS means payments for any rolling stock, equipment, or furnishing that is portable and of standard manufacture or that is installed as part of normal major maintenance, whether portable or affixed. The term does not include an item, whether portable or affixed, that is custom designed or specially fabricated for a facility.

(8) NORMAL MAJOR MAINTENANCE COSTS means payments for any work needed to maintain and preserve city property in a safe and functional condition, including, but not limited to, the cleaning, replacement, and repair of floors, ceilings, roofs, landscaping, and plumbing, mechanical, and electrical systems.

(9) PUBLIC ART ACCOUNT means a separate account established within each capital improvement project fund by the city to receive monies appropriated to the public art program; provided that:

(A) city bond proceeds to be used for the public art program must be maintained in the respective bond funds established in accordance with the city ordinance authorizing the issuance of the bonds; and

(B) monies from non-bond sources that are appropriated from a city fund to be used for the public art program must be maintained in a separate account within that fund.

(10) PUBLIC ART ADMINISTRATION FUND means an annual appropriation from each public art account for administration of the public art program.

(11) PUBLIC ART COLLECTION means all city-owned artworks that are not under the care and control of nonprofit institutions operating under management agreements with the city.

(12) PUBLIC ART COMMITTEE means a subcommittee of the arts and culture advisory commission appointed to oversee quality control of the public art program and projects and to report to and recommend to the arts and culture advisory commission the scope of projects, artworks, and artists for the public art program. The public arts committee shall be composed of three members who are full city council appointments to the arts and culture advisory commission and eight members who are professionally qualified residents appointed by the arts and culture advisory commission.

(13) REAL PROPERTY ACQUISITION COSTS means payments made for the purchase of parcels of land, and any existing buildings, structures, or improvements on the land, and costs incurred by the city for appraisals or negotiations in connection with the purchase. (Ord. Nos. 20064; 20267; 20456; 21972; 31049)

SEC. 2-103. FUNDING OF THE PUBLIC ART PROGRAM.

(a) Appropriations. Beginning January 1, 1989, all appropriations for city capital improvement projects, whether financed with city bond proceeds or city monies from any other source, shall include an amount equal to 1.5 percent of the total capital improvement project appropriation, or an amount equal to 0.75 percent of the total appropriation for a project that is exclusively for street, storm drainage, utility, or sidewalk improvements, to be used for design services of artists, for the selection, acquisition, commissioning, and display of artworks, and for administration of the public art projects. Monies appropriated as part of one project, but not deemed necessary by the city council in total or in part for the project, may be expended on other projects approved under the annual public art projects plan; provided that proceeds from bonds issued and authorized for a particular use or purpose shall not be used or diverted for a different use or purpose.

(b) Grants and contributions from non-city sources. Beginning January 1, 1989, each city department shall include in every application to a granting authority for a capital improvement project grant an amount for artists' services and artworks in accordance with this article. The public art appropriation shall apply to all capital improvement projects financed with grants or contributions from private persons or governmental or public agencies, subject to conditions of the granting or contributing person or agency. If the public art appropriation is not allowed as a reimbursable expense, only the city- funded portion of the project is subject to the public art appropriation.

(c) Method of calculation. The minimum amount to be appropriated for artists' services and artworks is equal to the total city capital improvement project appropriation multiplied by 0.015, or by 0.0075 if the project is exclusively for street, storm drainage, utility, or sidewalk improvements; provided that amounts budgeted for real property acquisition costs, demolition costs, equipment costs, normal major maintenance costs, financing costs, costs paid for from the contingency reserve fund, capital reserve funds, or interest earnings on city bond proceeds, costs of any below-grade water or wastewater improvements, and costs of resurfacing or repair of existing streets, sidewalks, and appurtenant drainage improvements are not subject to the calculation.

(d) Public art accounts. Amounts appropriated pursuant to this article shall be established by the city manager, or his designee, in a public art account within each capital improvement project fund. Contributions to the public art program from private sources shall be deposited into a separate public art account, subject to any donor's conditions within the instrument of conveyance. Disbursements from each public art account must be made in accordance with the annual public art projects plan and this article.

(e) City bond financed projects.

(1) This article shall apply to a city capital improvement project financed with proceeds from:

(A) general obligation bonds authorized and approved by the voters on or after January 1, 1989; or

(B) revenue bonds, certificates, notes, or other obligations authorized and approved by the city council on or after January 1, 1989.

(2) This article shall not apply to any refunding bond proceeds.

(3) The public art appropriation on a city capital improvement project financed with city bond proceeds shall be established in the fiscal year in which the bonds are sold.

(4) In developing the capital improvement program for bond-financed capital improvement projects, the city manager may recommend that the city council exempt certain bond-financed capital improvement projects from the application of this article. The city manager's recommendations shall govern unless the city council provides otherwise.

(5) If a city capital improvement project is financed with city bond proceeds, the use of any amounts appropriated for artists' services and works of art in accordance with this

article must be consistent with any voted proposition approved by the voters of the city, any resolution or ordinance adopted by the city council authorizing issuance of the bonds, and applicable state or federal law. In no event shall city bond proceeds be used for public art maintenance purposes.

(f) Water and wastewater utility projects.

(1) Notwithstanding any other provision of this article, the public art appropriation for that portion of a city capital improvement project financed with Dallas water utilities department revenues shall not exceed 0.75 percent of the total water utilities revenues appropriated for the capital improvement project.

(2) This article shall not apply to:

(A) any city capital improvement project financed with Dallas water utilities department revenues that is located outside the city limits; or

(B) any below-grade capital improvement financed with Dallas water utilities department revenues, whether or not the below-grade improvement is part of a city capital improvement project that involves at-grade or above-grade improvements.

(g) City council exclusions. When adopting the capital budget each year, the city council may exclude individual city capital improvement projects from the application of this article. (Ord. Nos. 20064; 20267)

SEC. 2-104. USES OF MONIES IN PUBLIC ART ACCOUNTS.

(a) Monies appropriated under this article may be used for artists' design concepts and for the selection, acquisition, purchase, commissioning, placement, installation, exhibition, and display of artworks. Artworks must be of a permanent nature and may be integral to the architecture or incorporated into the city capital improvement project.

(b) Up to 20 percent of the total annual public art appropriation shall be used to establish the public art administration fund and may be used to pay the costs incurred in the administration of the public art program, including project administration, artist-selection-related costs, architect's fees where collaboration is involved, design, drawing, and maquette costs, community education, insurance, curatorial services, identifying plaques, documentation, publicity, and such other purposes as may be deemed appropriate by the city council for the administration of the public art program. (Ord. Nos. 20064; 20267)

SEC. 2-105. ADMINISTRATION OF THE PUBLIC ART PROGRAM - RESPONSIBILITIES.

(a) Arts and culture advisory commission and the office of cultural affairs. The arts and culture advisory commission, acting in cooperation with the director of cultural affairs, shall have the following duties and responsibilities associated with the administration of the public art program:

(1) The overall administration of the public art program, including the selection of resident members of the public art committee, the establishment of program policies and guidelines, the recommendation of program budgets, and the approval of all

selection juries and all other recommendations made by the public art committee to the arts and culture advisory commission.

(2) The establishment of policies and guidelines to facilitate and encourage the donation of high quality artworks to the city.

(3) The establishment of policies and guidelines to ensure that the long-term collection of artworks by the city represents a broad range of artistic schools, styles, tastes, and media, without giving exclusive support to any particular one, and gives consideration to affirmative action.

(4) The review of a survey, to be updated annually, of the condition of the public art collection. The survey must include a report on the condition of each artwork, prioritized recommendations for the restoration, repair, and maintenance of the artwork, and estimated costs.

(5) The recommendation of an annual designation of funds for repair and maintenance of the public art collection. Any recommendation involving a work of art for which operation or maintenance costs exceed \$5,000 a year must be accompanied by a detailed fiscal note.

(b) Public art committee. The public art committee shall have the following duties and responsibilities associated with the administration of the public art program, with all decisions and recommendations made by the public art committee being subject to the review and approval of the arts and culture advisory commission and, when required, the city council:

(1) The commission of artworks; the review of the design, execution, and placement of artworks; and the overseeing of the removal of artworks from the public art collection.

(2) The designation of sites for implementation of the public art program; the recommendation of the scope and budget of public art program projects; and the overseeing of the artist selection process.

(3) The selection of juries, to be composed of professionals in the visual arts and design fields and members of the community, who will recommend artists and artworks of the highest quality.

(4) The education of the community on the public arts program.

(5) The review and recommendation for approval of any artworks proposed to be donated to the city. (Ord. Nos. 20064; 20267; 20456; 21972; 22026; 23694; 31049)