

ORDINANCE NO. 5010

An Ordinance of the City of McMinnville establishing the McMinnville Committee for Public Art.

RECITALS:

In partnership with the City of McMinnville, the McMinnville Downtown Association Committee for Public Art (MDACPA) was established in 2007 with the goal of placing quality art pieces in public places to give citizens and visitors to historic downtown McMinnville an opportunity to interact with art as an integral part of the design of the community.

The MDACPA's efforts have resulted in the installation of many culturally significant pieces of art in the McMinnville Downtown Historic District. The art collection of McMinnville represents a cultural, recreational, and educational resource that is held in trust for the public. The art collection is significant to McMinnville's quality of life and complements the City's mission of enhancing the lives of its citizens.

To promote the continuing development and maintenance of the art collection within the Downtown Historic District and to extend that work throughout the City, the MDA and the MDACPA have requested that the City create a new McMinnville Committee for Public Art (McMinnville CPA), to serve as a successor to the MDACPA.

Now, therefore, THE COMMON COUNCIL FOR THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

1. The attached language (Exhibit 1) is incorporated into this Ordinance by this reference.
2. This Ordinance will take effect October 27, 2016.

Passed by the Council this 27<sup>th</sup> day of September 2016, by the following votes:

Ayes: Jeffries, Menke, Ruden, Yoder

Nays: \_\_\_\_\_

Approved this 27<sup>th</sup> day of September 2016.

  
\_\_\_\_\_  
MAYOR

Attest:

Approved as to form:

  
\_\_\_\_\_  
CITY RECORDER

\_\_\_\_\_  
CITY ATTORNEY

## EXHIBIT 1

### Chapter 2.48

#### MCMINNVILLE COMMITTEE for PUBLIC ART

**2.48.010 Purpose.** The art collection of McMinnville represents a cultural, recreational, and educational resource that is held in trust for the public. The art collection is significant to McMinnville's quality of life and complements the City's mission of enhancing the lives of its citizens. To promote the continuing development and maintenance of the art collection, the McMinnville Committee for Public Art (McMinnville CPA) is hereby established in accordance with the provisions of this Chapter.

**2.48.020 Definitions.** The following definitions shall apply to the provisions of the Chapter and any related regulations or policies adopted by the City or McMinnville CPA:

"Accession": To accept a work of art into the City's permanent art collection.

"Advisor": A professional asked by the McMinnville Committee for Public Art, McMinnville CPA, to provide advice on some aspect of a project.

"Artist": A practitioner in the arts generally recognized by critics and peers as a professional of serious intent and recognized ability who produces works of art and is not a member of the McMinnville CPA.

"Call for Artists": An open competition where any artist is invited to submit works of art or delineated proposals for consideration.

"Consultant": A paid professional in the arts field of regional, national, or international status, hired by a selection committee, or the McMinnville CPA, to share his/her expertise.

"Deaccessioning": Relinquishing title to a work of Public Art.

"Eligible Funds": A source of funds for projects from which art is not precluded as an object of expenditure.

"Permanent Art Collection": All works of art owned by the City either site specific or part of a portable collection which may rotate through public buildings and properties.

"Pre-qualified List": A list of artists deemed appropriate for art projects by satisfying the criteria outlined by the McMinnville CPA. The list may be created and updated by the McMinnville CPA and may be used as a starting point for "invitation only" competitions, as well as a tool for generating ideas for a project.

"Public Art": All forms of original works of art accessible to the public and/or public employees including:

1. Painting of all media, including both portable and permanently fixed works, such as murals;
2. Sculpture, which may be in the round, bas-relief, high relief, mobile, fountain, kinetic, electronic, and others, in any material or combination of materials;
3. Other visual media including but not limited to prints, drawings, stained glass, calligraphy, glass works, mosaics, photography, film, clay, quilts, fiber/textiles, wood, metals, plastics, or other materials or combination of materials, crafts, or artifacts;
4. Works of a wide range of materials, disciplines, and media which are of specific duration, including performance events, and which are documented for public accessibility after the life of the work has ended;
5. Art works that possesses functional as well as aesthetic qualities.

"McMinnville CPA": The McMinnville Committee for Public Art, a committee appointed to guide the development of the City's Public Art collection. The McMinnville CPA develops policies and goals for the selection, placement, and maintenance of works of art. The committee has approval authority within the artist selection process; evaluates and/or causes to be evaluated by others the Public Art collection; recommends uses for Public Art monies; considers projects by private developers and citizens which would result in a work or works of Public Art; and responds to any other Public Art initiatives in the City. The Committee consists of seven (7) members.

"Public Art Trust Fund": A City fund or account into which all monetary contributions for Public Art and proceeds from the deaccessioning of Public Art is deposited. Funds within the Public Art Trust Fund will be solely used for accession of, honorarium for, installation of, and maintenance of Public Art.

"Total Cost": The entire amount of the City's contribution towards the price for construction of a project. "Total Cost" does not include cost for design and engineering, administration, fees and permits, building demolition, relocation of tenants, contingency funds, change orders, environmental testing, or indirect costs such as interest during construction, advertising, and legal fees.

**2.48.030 Duties of the McMinnville CPA.** The McMinnville CPA will review and recommend all proposed accessions and deaccessions from the City's art collection. Specific duties include:

- A. Maintain a current listing of all holdings in the collection, conduct an annual review, and recommend any necessary repairs to the City.
- B. Develop a list of potential or desired sites for future improvement and accessions. For each site, the list will specify the type(s) of Public Art that might be placed there.
- C. Develop the collection by working with the City to acquire artwork through various means of acquisition. This may include specifically designated City funds, donations of funds to purchase art from individuals or organizations, or donations of art from artists, individuals, or other entities.
- D. Make decisions to remove works of art from the collection if they do not meet the goals of the collection or are damaged beyond repair.
- E. Consider projects by private developers and citizens that would result in a work or works of Public Art, and respond to any other Public Art initiatives in the City.

**2.48.040 McMinnville CPA Membership.**

- A. The Committee will be comprised of 7 members, which shall include five (5) at-large members and two (2) members chosen from the combined candidate pool of the McMinnville Downtown Association (Board or Executive Director), Visit McMinnville (Board or Executive Director) and the McMinnville Downtown Association Design Committee.
- B. The initial Committee Members shall be appointed by resolution of the City Council. Thereafter, whenever a vacancy shall occur on the Committee, the Committee shall conduct interviews with candidates who are willing to fill the vacancy, and shall make a recommendation to the City Council for the appointment of a new member within 60 days of the occurrence of the vacancy. After receiving the Committee's recommendation, or if no recommendation is received within 90 days, the Council shall take action to appoint a new Committee member to fill the vacancy, taking into consideration any recommendation made by the Committee.
- C. Artists, architects, landscape architects, art gallery personnel, or other people involved in visual arts will be given preference for the at-large positions of the McMinnville CPA.
- D. At its first meeting of each calendar year, the Committee shall elect a Chair and Vice Chair of the Committee.

E. If any Committee member misses two or more meetings in a row or more than three meetings during the fiscal year, the Director's resignation will be deemed to have been tendered and accepted. The other Committee members, by majority vote, may make an exception for good cause shown.

F. Any Committee member may be removed by a majority vote of the City Council for failure to fulfill the duties required of Committee members, or intentional acts or omissions which a prudent person could reasonably have foreseen would damage the reputation or interests of the Committee or the City. Removal will be based on a finding by the City Council that the best interests of the Committee and the City will be served by this action.

G. Any Committee member may resign at any time by providing thirty days written notice to the Committee Chair or the City Manager.

**2.48.050 Meetings.** Meetings of the McMinnville CPA shall be subject to Oregon Public Meeting Law requirements, as described in ORS Ch. 192. The McMinnville CPA will meet when it has business to transact, but not less than 5 times per year.

**2.48.060 Conflicts of Interest.**

A. In addition to complying with all requirements of ORS Ch. 244, members of the McMinnville CPA will refrain from activities described in this Section pertaining to conflicts of interest during their tenure on the McMinnville CPA.

B. A member must not take any action or make any decision or recommendation as a committee member, the effect of which would be to the private pecuniary benefit or detriment of the person or relative of the person or any business with which the person or a relative of the person is associated.

C. Members of the McMinnville CPA and those consultants and appraisers that the Committee may engage must have no financial interest in any art work under consideration by the committee, even if the financial interest is limited to an artist spouse or relative. No Committee member will have any interest in any art consultant or art appraisal firm engaged by the McMinnville CPA.

D. A member of the McMinnville CPA must also declare a conflict of interest and refrain from participating in deliberations or decision-making if a person with whom he or she shares a household or whom he or she professionally represents has a matter before the Committee.

**2.48.070 Policies for Development and Maintenance of the Art Collection.** The McMinnville CPA shall develop policies and procedures related to the maintenance, acquisition, temporary display, deaccessioning, and lending of the City's public art collection. Such policies and procedures shall be presented as recommendations to the City Council for final approval by Resolution of the Council.

## **2.48.080 Public Art Trust Fund**

A. Dedication of Funds. The McMinnville Public Art Trust Fund will be established by the City of McMinnville Finance Department. Funds allocated for Public Art will be deposited into the Public Art Trust Fund by the City. Funds may be deposited in separate accounts within the Public Art Trust Fund if separate accounting is requested by the City Manager or the City Council, or is required by law. Monetary contributions made for the purpose of Public Art will be deposited into the Public Art Trust Fund and may be dedicated for a specific program, site, or work of art if so designated by the donor.

B. Disbursement of Funds. Disbursement of funds from the Public Art Trust Fund will be made only after the approval by the City Manager and the McMinnville CPA. The City's Finance Department will prepare annual financial reports for the City Council, City Manager, and the McMinnville CPA on the disbursement of money from the Public Art Trust Fund. All payments to an artist, gallery, or contractor will be made in accordance with the payment procedure given in the contractual agreement with that entity.

C. Art Acquisition and Gallery Contracts. The City may enter into contractual agreements with a gallery, may enter into contracts to purchase or otherwise acquire an existing work of art or commission a new work of art from artists or third parties, and may dispose of art, all in accordance with policies adopted by the Council pursuant to MMC 2.48.070. Any contract necessary to carry out the provisions of this section is declared to be a contract for personal services and is hereby exempted from competitive solicitation requirements.