

**ORDINANCE  
TO CREATE THE DULUTH PUBLIC ART COMMISSION**

**WHEREAS**, the Mayor and Council are dedicated to ensuring Duluth is a livable and vibrant community for its residents, business owners, and visitors alike; and

**WHEREAS**, the Mayor and Council are advocates of public art and endeavor to foster an enrich arts and culture in the Duluth community; and

**WHEREAS**, the creation of the Duluth Public Arts Commission (DPAC) will assist in the promotion, retention and acquisition of performing and visual arts in the City;

**NOW THEREFORE**, The Council of the City of Duluth hereby ordains that the Duluth Code of Ordinances is hereby amended by adding a new Article XII to Chapter 2 of the Duluth Code to read as follows:

**CHAPTER 2 - ARTICLE XII**

**Section 2-270 Membership, Appointment, Terms**

- a. The Duluth Public Arts Commission, hereinafter known as "DPAC" shall be made up of nine (9) regular members and up to two (2) ex officio members chosen from City staff.
  1. Regular members shall be appointed by Mayor and Council and shall include: one (1) member of the Mayor and Council, four (4) members who are art professionals (artist, performing artist, architect, landscape architect, curator, arts writer, arts educator, arts administrator or individual with a college level degree in an art field) and four (4) members made up of business owners or citizens.
  2. DPAC membership must at all times contain at least five (5) members who are citizens of the City of Duluth.
- b. DPAC members shall serve four year terms and the membership terms shall be staggered. To achieve staggered appointments, the initial appointments to DPAC shall have five (5) members appointed to four (4) year terms and four (4) members appointed to two (2) year terms.
- c. Members of DPAC serve at the pleasure of Mayor and Council and may be removed and replaced by Mayor and Council with or without cause at any time.
- d. Members of DPAC shall be subject to the same term limits as other Boards in the City as set forth in Section 2-49 of this code.

- e. DPAC members shall be subject to and comply with the Code of Ethics found in Chapter 2, Article X, of this Code.
- f. DPAC members are volunteers and shall serve without compensation or reimbursement for personal expenses, unless specifically approved by the City Council.

### **Section 2-271 Duties**

- a. **Officers.** There shall be a Chair and Vice-Chair of the Commission. DPAC shall elect all officers from its membership for a term of one (1) year and shall determine responsibilities of the officers.
- b. **Meetings.** DPAC shall hold regularly scheduled meetings; the Commission shall determine the frequency, time and location of meetings. The Commission shall provide notice of all meetings to the Duluth City Clerk a minimum of forty-eight (48) hours prior to the meeting to ensure public notice requirements are met. All meetings shall be conducted in accordance with the Georgia Open Meetings Act and any amendments thereto. Meetings shall be held at a location within the corporate limits of Duluth that is open to the public and accessible to persons with disabilities. All minutes and records of the Commission shall be public records and kept in the custody of the City Clerk.
- c. **Master Plan.** DPAC shall prepare, maintain and update a Public Art Master Plan which identifies locations for public art in the City and identifies specific performing arts venues or locations for development thereof.
- d. **Authorization of Expenditures.** The Chair of the DPAC or designee and the City Manager or City Clerk shall be jointly required to authorize expenditures of the Performing Art and Acquisition Fund pursuant to decisions of the DPAC. These expenditures shall be for art acquisition, performances, art programming, art education, fund raising and other purposes consistent with the promotion of public and performing art in Duluth.

### **Section 2-272 Performing Art and Acquisition Fund (PAAF)**

- a. **Accounting.** The Performing Art and Acquisition Fund (“PAAF”) shall be a separate, special revenue fund as part of the City’s overall fund structure into which public art donations and funding are deposited, transferred and used for the acquisition, commissioning, performance, exhibition and conservation of public art as recommended by DPAC and approved by the City Manager or designee. The funds shall be included as part of the City’s main operating account for banking purposes.
- b. **Developer Contributions** - The City Planning Department shall develop and institute a process whereby prior to the issuance of any building permit an applicant must meet with a DPAC subcommittee or member to discuss the value of public art. Applicants shall be encouraged, but not required, to donate one percent (1%) of the value of new non-City initiated, construction or redevelopment projects to PAAF.

c. PAAF funds may be authorized for the following purposes:

1. Artist fees and artist travel related to the training, education and performance of art open to the general public
2. Artist fees and artist travel and expenses that are related to the City's commission or purchase of public art
3. Purchase of equipment to be used in performing arts
4. Leasing of equipment and space for education, practice and performance
5. Studies and planning documents to further the arts
6. Promotions and marketing of activities associated with educational activities and performances
7. Fabrication, storage, and installation of a commissioned work of art
8. Acquisition of existing works of art
9. Decorative, ornamental or functional elements that are designed by an artist selected specifically for the project and through the processes established in the guidelines, but not by a member of the pre-existing design team working on the related capital project (if applicable)
10. Fees associated with the lease of works of art for temporary display
11. Required permits and insurance during the fabrication and installation of the public art per contract
12. Project consultants and contracted services
13. Curatorial services
14. Public art planning services
15. Documentation and interpretive plaques
16. Publicity for public art projects
17. Education and outreach, including symposia and special events
18. Conservation and non-routine maintenance of works in the City of Duluth Public Art Collection

- d. PAAF funds may not be used for:
  - 1. Mass produced work, with the exception of limited editions controlled by the artist.
  - 2. Professional graphics, unless designed or executed by an artist or used in the development of collateral material for the City of Duluth Public Art Program.
  - 3. Routine maintenance.
  - 4. City of Duluth staff costs.
  
- e. **PAAF Annual Report** - Each year the City Manager or designee shall assist DPAC in preparing an annual report to be presented to Mayor and Council which provides for a detailed accounting of all PAAF monies raised and all monies spent and/or earmarked for future expenditures.