

CHAPTER 15. - PUBLIC ART COMMISSION

Sec. 15.010. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alteration means any change to a public mural, including, but not limited to, any change to the image(s), materials, colors or size of the public mural. The term "alteration" does not include naturally occurring changes to the public mural caused by exposure to the elements or the passage of time, or maintenance or repair of the public mural that includes slight and unintended deviations from the original image, colors or materials that occur when the public mural is repaired due to the passage of time, or after damage resulting from vandalism.

Artist means a practitioner in the visual arts, generally recognized by critics and peers as a professional of serious intent, who produces works of art, and who is not a member of the improvement project's architectural firm or the Salem Public Art Commission. The term "artist" shall include an artist's agent and a representative of the estate of an artist.

City building means any building owned or leased by the City, or area therein, which is open to the public; provided, however, The term "city building" does not include motor pools, surface parking lots, roads, bridges, utility lines, service facilities, maintenance sheds, pump stations, treatment plants and utility facilities, or buildings that have the primary purpose of displaying historical artifacts, cultural items, or works of art.

City Manager means the City Manager of the City of Salem, or the City Manager's designee.

Deaccessioning means relinquishing title to a work of public art.

Eligible costs means the costs for completion of an improvement project, including costs for capitalized tenant improvements, that are paid from eligible funds. The term "eligible costs" does not include costs for land acquisition, design and engineering, administration, fees and permits, building demolition, relocation of tenants, environmental testing, environmental remediation, non-construction contingency or indirect costs, such as interest during construction, advertising and legal fees.

Eligible funds means any funds expended by the City, from whatever source, for an improvement project and for which public art is not precluded as an object of expenditure in connection with the improvement project.

Improvement project means any project paid for wholly or in part by the City where the amount of eligible funds equals \$100,000.00 or more for the construction, rehabilitation, remodeling, improvement or purchase of a City building. An improvement project does not include maintenance and repair projects or remodeling or renovation projects in which more than 75 percent of the project cost represents improvements to mechanical systems.

Oregon artist means an artist that makes Oregon his or her primary residence or principal place of business.

Public art means original works of art owned or acquired by the City and accepted into the City's public art collection by the Salem Public Art Commission.

Public mural means an original, two-dimensional work of visual art, comprised of paint, ceramic or glass tiles, or tesserae, executed by hand directly upon, or affixed directly to, an exterior wall of a building, which has been approved by the Salem Public Art Commission and accepted by the City into its public art collection pursuant to this chapter. A public mural is not an original work of visual art if it is mechanically reproduced or computer generated and printed on a base that will be attached to the wall, such as, by way of illustration but not limitation, limited images digitally printed on vinyl.

Restricted funds means funds whose use is restricted by law for a particular location, area, project, or purpose, such as general obligation bond or other bond proceeds, or urban renewal tax increment revenue.

Works of art means all forms of original creations of visual art, including and not limited to, painting, sculpture, prints, ceramics, drawings, stained glass, mosaics, photography, fiber and textiles, calligraphy, mixed media, and any combination of media, including collage.

Sec. 15.030. - Public Art Trust Fund.

- (a) There is established a special fund designated as the Public Art Trust Fund from which expenditures may be made for the acquisition, fabrication, installation, maintenance, conservation, management, deaccessioning, community education, documentation and registration of public art. The Public Art Trust Fund shall consist of funds appropriated by SRC 15.040, other funds as the Council may appropriate, and funds given to the City from public or private sources.
- (b) Monetary contributions shall be deposited in separate accounts within the Public Art Trust Fund if separate accounting is deemed appropriate by the City Manager, is required by law, or is a condition of any gift or donation. Prior to disbursing funds from a segregated account in the Public Art Trust Fund, the Salem Public Art Commission shall adopt written findings demonstrating that the proposed disbursement complies with any applicable conditions for the expenditure of those funds.
- (c) Except for restricted funds and ~~Excluding~~ funds from conditional gifts or donations, funds deposited into the Public Art Trust Fund shall be allocated as follows:
 - (1) 70 percent shall be used for costs associated with acquiring public art, including, but not limited to, the acquisition, fabrication, and installation of public art.
 - (2) 20 percent shall be used for costs associated with managing public art, including, but not limited to, costs of selection, program management, community education and registration of public art.
 - (3) Ten percent shall be used for the maintenance, conservation and deaccessioning of public art.
- (d) Disbursements shall be made according to the terms of this chapter and any procedures adopted by the Salem Public Art Commission. The Salem Public Art Commission will report annually to the Council on the disbursement of funds from the Public Art Trust Fund.

Sec. 15.040. - Dedication to Public Art Trust Fund.

(a) Except as provided in subsection (b) of this section, Any city official or employee who authorizes or appropriates expenditures for an improvement project shall include in the total construction budget, and cause to be deposited in the Public Art Trust Fund, a monetary contribution for public art equal to one-half of one percent of the total eligible costs. Where an improvement project will be constructed in phases, the one-half of one percent dedication shall be applied to the estimated total cost of each phase of the project at the time that funds for the phase are encumbered. Nothing in this section prevents the Council from deciding to set aside all or part of the entire dedication from the funds of a particular phase.

(b) Restricted funds shall identified within the budget for an improvement project, and shall not be deposited in the Public Art Trust Fund.

Sec. 15.045 – Use of restricted funds for public art;

(a) Upon the preliminary determination of the amount of eligible funds, including restricted funds, to be allocated for public art for an improvement project, the Public Art Commission shall make a determination of the type and location for public art for the improvement project.

(b) Upon determination of the type and location for the public art, the City shall cause to be created a request for proposal or other solicitation consistent with applicable law to commission the public art.

(c) Prior to commencement of any work to prepare the public art, the Public Art Commission shall approve the final design.

(d) Upon substantial completion of the public art, the Public Art Commission shall review the work for acceptance into the City's public art collection consistent with the Public Art Commission's adopted guidelines.

Sec. 15.060. - Siting.

Subject to ~~any applicable ordinances~~law, public art obtained pursuant to this chapter may be sited in, on or about any improvement project, public right-of-way, easement, or other property owned, leased, or otherwise under the control of or made available to the City.