



*City Council Memorandum*

**To: Mayor Fasbender & City Councilmembers**  
**From: City Administrator Dan Wietecha**  
**Date: October 17, 2022**  
**Item: Public Arts Commission**

**Council Action Requested:**

Discussion only. An ordinance will be prepared for first reading at the November 7 City Council meeting.

**Background Information:**

Following public encouragement for an Arts Commission, the City Council reinstated the Arts Task Force to define the future objectives or mission of the group. In June 2022, the Task Force recommended creating an Arts & Culture Commission as well as part-time staff support and ongoing funding. The proposal was referred to the Planning Committee of the City Council (Folch\*, Leifeld, and Vaughan). The Planning Committee has recommended creating a 2 year temporary commission, with potential extension later.

The Planning Committee agreed with greater support for the arts and its integration into City priorities. The Committee felt that a commission may be a good vehicle for supporting the arts. The Committee was also concerned that a commission may become frustrated by City policies, timing, and budget. The Committee recommended creating a 2 year temporary commission providing the opportunity to prove itself.

The Arts Task Force drafted a proposed "charter" (attached). This will need to be revised into an appropriate ordinance format for City Council action. Additionally, some items in the draft go beyond what may typically be part of forming a commission. The preliminary 2023 Budget includes funding for a public art project(s); the proposed budget can be revised to include funding for staff support for the commission.

**Financial Impact:**

Not applicable

**Committee Discussion:**

Planning Committee (Folch\*, Leifeld, and Vaughan) met July 13, August 23, and September 28 and recommended a 2 year temporary commission with potential extension.

**Attachments:**

Draft "Arts & Culture Commission Charter"

## **Arts & Culture Commission Charter**

### **Arts and Culture Commission Mission**

The Arts and Culture Commission will advise the City Council concerning arts and culture policies, public projects, issues and initiatives. The commission will advocate for arts and culture in Hastings and will work to ensure an inclusive and cross-cultural environment for all residents.

### **Purpose.**

The purpose of the commission shall be to assist Hastings in becoming a community in which arts and cultural activities:

- A. Are recognized as vital components of community life that are worthy of investment and support from the public, private and non-profit sectors;
- B. Are valued and promoted for their economic benefits and development potential throughout the city;
- C. Include Hastings' historic, existing and emerging cultural groups identity and sense of community;
- D. Support the goals of Hastings' arts education and programs for young people;
- E. Engage the talents and involvement of retirees and senior citizens;
- F. Enhance the public perception of Hastings' identity and quality of life in the community itself, the surrounding region, and beyond.
- G. Achieve a strong sense of place through beautification and the creative activation of arts and culture.

### **Responsibilities.**

The commission shall be advisory to the city council and its responsibilities shall include the following:

- A. Develop, update, and recommend to the council a city mission, public agenda and strategic plan for arts and culture in Hastings;
- B. Provide leadership for completing the City's Comprehensive Plan sections regarding arts and culture goals and planning, and provide ongoing input for plan revisions;
- C. Leverage individual, corporate, foundation and city funding for arts and cultural activities including assisting with the identification and submission of grant opportunities;
- D. Facilitate collaboration and joint planning among public and private agencies involved with related issues such as economic development, tourism, and arts education;
- E. Advise in the planning, acquisition and/or development of land and facilities by the city as needed to support Hastings' arts and cultural activities and organizations;
- F. In cooperation with existing city departments and with the city council, develop and advocate design standards for city facilities, roadways, public areas, and private development, in order to advance a coherent image of Hastings as a place of unique aesthetic, architectural, and cultural identity;
- G. Plan and advocate funding in support of the creation and installation of public art in Hastings that enhances the city's appearance and artistic appeal;

- H. Foster inclusive and cross-cultural activities to help build community as Hastings continues to become more diverse.
- I. Develop policies, procedures and standards for evaluating offers of gifts of art made to the city and recommend that gifts of art be accepted or not accepted by the city council;
- J. Advise the city council and city departments on commissioning, placement and maintenance of works of art that have been purchased or accepted by the city, or which are owned by the city because they have been produced or created with public funds;
- K. Advise the city council and city departments on arts-related capital investments, plans, programs, and evaluations initiated by the city.

**Membership.**

- A. The commission shall consist of up to seven volunteer members, who shall serve without financial compensation. One member shall be one youth voting member.
- B. Members may be nominated by the existing members of the commission and then approved by the city council. Members may be removed at the discretion of the commission and council.
- C. Members shall be appointed from each of the following sectors of the community, with an effort to include diversity in age, gender identity and race:
  - a. Arts and cultural organizations;
  - b. Local schools;
  - c. Business community;
  - d. Independent artists; and
  - e. Community at-large.
- D. Members shall serve for three-year terms, except as otherwise provided herein with respect to youth members. Terms shall begin on January 1 and end on December 31, provided that a member shall continue to serve until a successor is appointed. An appointment to fill a midterm vacancy shall be made by the mayor for the duration of the term. The youth commission members shall be high school aged, grades nine through 12. The youth commission members shall be appointed for one-year terms in the same manner as other members of the commission. Youth commission member terms shall commence June 1 and expire the following May 31.
- E. Members may serve up to two successive terms, not including a partial term due to appointment to fill a vacancy. Members who serve two consecutive terms shall be ineligible for reappointment for one year following the completion of their second term.

**Officers powers and duties.**

- A. At the first meeting of each year, members of the commission shall select by majority vote a chair, vice chair, and secretary to serve until the end of that year and until a successor is chosen.
- B. The chair shall:
  - a. Set the agenda and preside at meetings of the commission;
  - b. Call additional meetings as needed;
  - c. Assign duties to commission members;

- d. Arrange meetings with other commissions, boards, and organizations from the public, private, and non-profit sectors as needed;
  - e. Communicate with the city council and staff as needed; and
  - f. Provide overall leadership to the commission in carrying out its purpose and responsibilities.
- C. In the absence of or at the request of the chair, the duties of the chair shall be performed by the vice chair, and in the absence of both the chair and vice chair, by the secretary.
- D. The secretary shall keep minutes and maintain permanent records of every meeting of the commission, and shall submit minutes for approval at each successive meeting. The secretary shall serve as correspondent for the commission. Copies of the minutes of all meetings shall be filed with the city clerk.

### **Meetings.**

The commission shall meet at least monthly and as otherwise determined by the chair. A regular meeting may be canceled by the chair or a majority of the commission.

### **Quorum.**

For the transaction of business at any meeting of the commission, a quorum consisting of at least one-half of all members shall be required.

### **Staff support.**

The city shall provide a staff person to act as liaison to the commission, provide staff support, and help get recommendations of the commission on the agenda for consideration by the city council.

### **Public art and culture program.**

- A. Definitions. As used in this section, the following terms shall have the meanings herein set forth:
1. Public art means art assets, including outdoor sculpture and artwork integrated into physical public structures and environments.
  2. Maintenance means regular routine inspection, repair, and care of artwork, such as cleaning and applying protective surface coatings.
  3. Conservation means repair done to return artwork to its original condition and integrity, as necessitated by, for instance, flaws, neglect, aging, damage or vandalism.
  4. Construction costs means the total amount appropriated for a city Capital Improvement Project less the actual costs of:
    - i. real property acquisition,
    - ii. demolition of existing structures,
    - iii. environmental remediation,
    - iv. equipment costs, and
    - v. professional service fees, including but not limited to legal, architecture, engineering, and accounting fees. Final determination of construction

costs are calculated at the time the city Capital Improvement Project is awarded to the general contractor.

5. Eligible Funds means a source of funds authorized by law or charter for a city Capital Improvement Project from which public art is not prohibited, limited or otherwise restricted as an expenditure.
- B. Powers and duties of the commission as relating to this section.
1. Subject to the provisions of this section and applicable law and charter relating to expenditures for the arts, the city staff shall be responsible for administering the city's public art program with the assistance of the Arts and Culture Commission, as outlined in this ordinance and other related City Council adopted policies.
  2. City staff, in consultation with The Arts and Culture Commission, shall prepare an annual fiscal year report to the city council presented no later than March annually which shall include at least the following:
    - a. a description of the artwork completed, obtained or commenced in the previous year;
    - b. a description of cultural events sponsored by the commission
    - c. a description of the city Capital Improvement Projects designated for inclusion of public art by the city council in the upcoming year and of the funding source; and
    - d. a budget for the income and expenditures for such city Capital Improvement Projects and cultural events.
  3. The Arts and Culture Commission shall work together with City staff to review and make recommendations to the city council regarding artwork proposed for permanent or long-term placement on city property to determine an appropriate location for the placement of the artwork. Artwork to be placed in a museum or gallery is excepted from this process. To make the determination, the Arts and Culture Commission may examine the artwork itself or a design or model of the same. In any case in which the city council and the commission cannot agree on the location of placement of such works, the alternatives shall be presented for city council determination.
  4. Prior to moving or removing any artwork placed in, on or about city property pursuant to the public art program, city staff shall first submit such proposed change to the Arts and Culture Commission for a report and recommendation about a new space for the artwork or alternatives to moving it. In any case in which the city council and the commission cannot agree on issues related to the relocation or removal of the artwork, the alternatives shall be presented for city council determination.
  5. To encourage broad community participation in the public art and culture program and to ensure artwork of the highest quality, the Arts and Culture Commission may solicit the participation of community representatives and professionals in the visual arts and design fields as part of the artist and artwork selection process for particular Public Art projects in accordance with the size and complexity of the Public Art projects. These advisors may assist the commission in the selection of artists, Public Art project oversight and other related purposes, but shall have no

vote on matters coming before the Arts and Culture Commission. These advisors, as well as select city staff and Arts and Culture Commissioners, will comprise the Public Art Review Committee.

6. During the design phase of artwork, City staff shall determine the maintenance requirements of every artwork, recommend to the responsible department the type, frequency and extent of maintenance required to preserve the quality and value of every artwork, and inspect such maintenance work for the guidance of the city departments concerned. It is the responsibility of the site manager or appropriate department head to provide for the maintenance of artwork in their routine site maintenance program.

*C. Administration of eligible funds.*

1. The working budget of the Arts and Culture Commission shall be equal to 1% of the city's annual Capital Improvement Plan to be used for public art. The City shall appropriate the corresponding amount as eligible funds, defined above.
2. The city's Finance Director shall deposit appropriated eligible funds into a Public Art Account. Unspent funds from a fiscal year shall roll forward into succeeding years.
3. Disbursements from the Public Art Account shall be used for the purposes for which the account is intended and made in accordance with existing City procedures. A record of disbursements shall be prepared by the Commission's Staff Liaison and presented at monthly Art and Culture Commission meetings.
4. Eligible funds may be used for but not limited to the planning, selection, acquisition, purchase, commissioning, fabrication, siting, placement, installation, conservation, maintenance, exhibition, or display of Public Art.
5. Where practical, public works of art shall be included into the planning of capital improvement projects.

*D. Definitions.* "Culture" and "cultural events" refer to public events and activities, meaningful to the community and generally of an intangible nature. Common examples are concerts, dramas, and other performances; art fairs and food festivals; events of nostalgia and remembrance; and celebrations of heritage.

*Powers and duties*

- The Arts and Culture Commission shall solicit and evaluate proposals for cultural events being programmed by city staff or when outside entities are requesting city sponsorship. The Commission shall work with city staff to evaluate the feasibility of selected proposals. Proposals of demonstrated value and feasibility shall be forwarded by the Commission to the City Council for approval in principle. Events approved in principle shall be returned to the sponsoring organization for detailed planning. The Commission and city staff shall review the detailed plans with particular emphasis on identifying needed city resources. The Commission shall forward approved plans to the City Council for final approval and appropriation of funding.
- All intellectual property and associated rights to it shall remain vested with the sponsoring organization.

Sec. 2-365. Ownership of artwork. All artwork acquired pursuant to this section shall be acquired in the name of the city and title, if applicable, shall vest in the city.

Secs. 2-366—2-374. - Reserved.

SECTION 2: This Ordinance shall take effect thirty days after its publication.