

ORDINANCE NO. 14,344

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as amended by Ordinance No. 14,005, passed October 22, 2001, by repealing Section 82-400 through and including Section 82-414 thereof, and by enacting a new Section 82-400, Section 82-401 and Section 82-409 regarding the administration and funding of the Public Arts Program, to eliminate the Public Arts Commission and provide for the administration of the Program by a non-profit agency.

BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as amended by Ordinance No. 14,005, passed October 22, 2001, be and is hereby amended by repealing Section 82-400 through and including Section 82-414 thereof, and by enacting a new Section 82-400, Section 82-401 and Section 82-409 regarding the administration and funding of the Public Arts Program, to eliminate the Public Arts Commission and provide for the administration of the Program by a non-profit agency, as follows:

Chapter 82 PLANNING
Article IX. Public Arts Commission

Sec. 82-400. Establishment of a public arts program.

There is hereby established a public arts program as set forth in this article.

Sec. 82-401. Purpose.

The purpose of the public arts program is to:

- (a) Enhance the city's physical environment and public spaces;
- (b) To provide an educational component to each public art project.
- (c) Integrate the work and thinking of artists into the planning, design and construction of eligible city facilities, buildings, infrastructure, parks and other public facilities and spaces, and private sector projects;
- (d) Celebrate the multi-cultural and diverse character of the city's residential and commercial neighborhoods and citizens;
- (e) Contribute a sense of citizen ownership and pride in public facilities and spaces;
- (f) Mitigate potential adverse impacts of construction;
- (g) Engage the citizens, neighborhoods, businesses, and community organizations of the city in creative partnerships with artists;
- (h) Support, educate, and assist citizens, neighborhoods, businesses, and organizations with their community activities;

- (i) Integrate public art and aesthetic elements in city projects that stimulate the eye, mind and spirit of the public, and serve as cultural, educational, and tourism resources that celebrate and promote Iowa and the city's unique qualities, it's character, cultural heritage, history, pride and sense of place.
- (j) Assist in community initiated projects.

Sec. 82-402 to 82-408. (Repealed.)

Sec. 82-409. Funding, Appropriations, and Use of Funds.

- (a) The goal of the public arts program is to annually fund the public arts fund at a level equal to one and one-half percent of the amount of general obligation funds appropriated for capital improvements through the city's capital improvement program, for the purpose of enhancing the city's physical environment and public spaces and achieving the other objectives identified in section 401. The public arts fund shall be a separate city account created to hold any funds allocated by the city or received from any other source which are held exclusively for the purpose of implementing the programs and policies described in this article. (b) Commencing with the preparation of the capital improvement program for the 2002/2003 fiscal year, the city manager shall provide to the city council and the public estimates of the total amount of general obligation funds to be allocated for capital improvements in the capital improvement program, and the amount of funds proposed by the city manager to be allocated to the public arts fund in each of the next five fiscal years.
- (c) The city manager shall timely submit the manager's budget recommendations for the public arts program for receipt by the city council at its first meeting in September of each year. The city manager's budget recommendations shall identify and prioritize proposals for use of the public arts funds.
- (d) Appropriate use of program funds. The public arts fund shall support the following uses:
 - 1) The selection, acquisition and display of works of art, which may be an integral part of the project, or placed in, on or about the project or other public space.
 - 2) Design, planning and pre-design service contracts, fees and commissions of artists, architects, engineers and other design professionals.
 - 3) Expenses for technical assistance provided by architects and/or engineers to artists, in order to design, document and/or certify the artwork.
 - 4) Repair and maintenance of city public artworks.
 - 5) Public arts program administrative expenses, relating to acquiring, developing, or maintaining public art.
 - 6) Participation by citizens or costs of communicating with and receiving input from citizens, working with professional artists, introduction of public art to children, and education of the public about the county's rich cultural and artistic heritage.
 - 7) Documentation and public education material for the public arts program.
 - 8) Pilot or demonstration projects of the public arts program.
 - 9) Contracting with a non-profit agency to administer a public arts program to support the foregoing uses.
- (e) Distribution of funds. In the event the city has contracted with a non-profit agency to administer the public arts program, the city manager

is hereby authorized to make any necessary payments under such contract from the available funds appropriated to the public arts fund.

Sec. 82-410 to 82-414. (*Repealed*)

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 04-1219), passed by the City Council of said City at a meeting held June 7, 2004 signed by the Mayor on June 7, 2004 and published as provided by law in the Business Record on June 21, 2004 Authorized by Publication Order No. 4049.

Diane Rauh, City Clerk