

## Chapter 7.40 FUNDS FOR WORKS OF ART IN PUBLIC FACILITIES\*

**\*Cross references:** Arts advisory commission, § 4.60.150.

**State law references:** Art in public buildings and facilities, AS 35.27.

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7.40.010 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:

*Art* and *work of art* mean all forms of original creations of visual art, including but not limited to the following:

1. Sculptures: in the round, bas relief, high relief, mobile, fountain, kinetic or electronic, in any material or combination of materials.
2. Painting: all media, including portable and permanently affixed works, such as murals.
3. Graphic arts: printmaking and drawing.
4. Mosaics.
5. Photography.
6. Crafts: in clay, fiber and textiles, wood, metal, plastics and other materials.
7. Calligraphy.
8. Mixed media: any combination of forms or media, including collage.

*Construction, remodeling or renovation of municipal buildings and facilities* means any capital improvement projects paid for wholly or in part by the municipality to build, rebuild or improve any decorative or commemorative structure, park or parking facility or any building. Where federal or state grant funds are to be used to match municipal funds, the grant application shall, where applicable and where permitted by the granting authority, be made for the total cost of construction, including portions to be dedicated to art funding under the terms of this chapter. Unless prohibited by the terms of such grants, any money received may be used to implement the requirements of this chapter.

*Total cost of construction, remodeling or renovation* means the total allotted funding for the subject project at the time of award of contract.

(AO No. 78-42)

**Cross references:** Definitions and rules of construction generally, § 1.05.020.

#### 7.40.020 Purpose of chapter.

The state has recognized through the enactment of AS 35.27.010, and the municipality hereby recognizes by the enactment of this chapter, the responsibility of government to foster the development of culture and the arts through the purchase or commissioning of works of art for municipal buildings, schools or other municipal facilities. It is therefore declared to be municipal policy that a portion of appropriations for capital expenditures for municipal buildings and facilities be devoted to the acquisition of works of art to be permanently placed or incorporated in such buildings or facilities.

(AO No. 78-42)

#### 7.40.030 Art funding requirements for public buildings and facilities.

Plans and specifications for the original construction, remodeling or renovation of municipal buildings, schools and facilities resulting in proposed capital expenditures exceeding the sum of \$250,000.00 to be undertaken after the effective date of the ordinance from which this section is derived shall contain and provide for the inclusion of works of art of a value of one percent of the total cost of the construction, remodeling or renovation project. All appropriations for capital improvements falling within the provisions of this chapter shall be deemed to include funding to implement the requirement of this section.

(AO No. 78-42)

#### 7.40.040 Implementation procedures.

A. During the preliminary design review of any project for construction, remodeling or renovation covered by this chapter any contractor, department or instrumentality of the municipality or school district charged with the design preparation of the project shall consult with the urban design commission regarding the implementation of Section 7.40.030.

B. The urban design commission, together with the municipal arts advisory commission, shall develop and recommend to the administration and the assembly administrative regulations setting forth the manner in which the requirements of this chapter shall be carried out. The requirements of Section 7.40.030 shall not be waived except as provided in Section 7.40.070.

(AO No. 78-42; AO No. 81-135; AO No. 84-30)

#### 7.40.050 Art selection.

A. Where the construction, creation or commissioning of works of art is to be incorporated in the building or facility or its grounds, such works of art shall be chosen or approved by a jury consisting of the architect or project designer, a representative of the user department and representatives of the urban design commission and the arts advisory commission and such other persons as may be designated by regulation.

B. Where there will be an acquisition of existing works of art or the commissioning of works of art which will not be incorporated into the project design, selection shall be made or approved by a jury consisting of representatives of the urban design commission and the arts advisory commission and such other persons as may be designated by regulation.

C. The mayor shall appoint a public art committee consisting of at least seven members and including at least one member of the urban design commission, at least one member of the arts advisory commission, at least one member of the historical and fine arts commission, at least one licensed architect and at least one professional artist. The commissions may recommend other candidates for appointment to the public art committee. A member of the public art committee may serve on a jury.  
(AO No. 78-42; AO No. 81-135; AO No. 84-30; AR No. 84-341; AO No. 91-41)  
**Cross references:** Urban design commission, § 4.40.125.

#### 7.40.060 Program administration.

The department of community and economic development shall administer this chapter.  
(AO No. 78-42; AO No. 91-41; AO No. 2005-137(S), § 3, 12-20-05)

#### 7.40.070 Exemptions.

If it is found by the public art committee that inclusion of works of art in any specific project, as required by this chapter, would not provide any aesthetic benefit to the community or to the principal users of the building or facility, the committee may recommend to the administering department, division or individual designated in accordance with Section 7.40.060 that there be granted a waiver from the requirements of this chapter in whole or in part. The administering department, division or individual shall approve or disapprove the recommendation and so notify the user department. Any denial of exemption may be appealed to the administration within ten working days. The assembly will be advised of all recommendations for exemption.  
(AO No. 78-42; AO No. 81-135; AO No. 91-41)

#### 7.40.080 Miscellaneous provisions.

- A. Compliance with Section 7.40.030 shall be calculated on the basis of cost estimates available prior to construction or on actual construction costs, whichever figure is known at the time the final selection of artwork is made.
  - B. Sums allocated for the acquisition of works of art under the provisions of this chapter shall for all purposes be deemed to be part of the construction costs of the project.
  - C. Sums required to be allocated to works of art under the provisions of Section 7.40.030 shall be limited to all costs associated with design, construction and royalties, excluding all contract administration and project administration costs.
  - D. If there is a change order or amendment to a project budget after acceptance of a bid for the project, the amount of funding for the artwork may not be changed.
- (AO No. 78-42; AO No. 91-41)