

RESOLUTION NO. 2005 - 14
SERIES OF 2005

A RESOLUTION CREATING A "1% FOR THE ARTS" PROGRAM,
AUTHORIZING THE ALLOCATION OF FUNDS FOR ART IN THE
CONSTRUCTION OF CERTAIN TOWN CAPITAL IMPROVEMENTS PROJECTS,
ESTABLISHING A METHOD OF CALCULATING ART APPROPRIATIONS FOR
TOWN CAPITAL PROJECTS, PROVIDING FOR AN ART SELECTION PROCESS,
AND ESTABLISHING A SEPARATE "1% FOR THE ARTS FUND."

WHEREAS the Town of Carbondale wishes to enhance the aesthetic environment of its public spaces, buildings, and property by integrating high quality urban design and art into its capital improvement projects; and,

WHEREAS, the Town wishes to create a more visually pleasing environment and expand the opportunities for residents and visitors to experience quality works of art by facilitating the acquisition, display, and development of such works of art in public places;

NOW, THEREFORE, be it resolved that the Town of Carbondale wishes to create a 1% for the Arts municipal program under the following conditions:

1. Purpose. The purpose of this resolution is to establish and implement a 1% for the Arts program which provides for the acquisition by the Town of works of art in conjunction with certain Town capital improvement projects, and requires that all applicable Town projects include funding for a work or works of art to be placed at that site in a location visible and accessible to the general public.

2. Definitions.

"**Capital Improvement Projects**" means any capital improvement project included in the Town of Carbondale Capital Improvement Plan with a total budgeted allocation of \$100,000 or higher, paid for and/or completed wholly or in part by the Town—regardless of the source of funding—for construction, renovation or remodeling of any public building, structure, or park. Projects not subject to this program shall be: Water, Sewer and Sanitation Enterprise Fund projects; land acquisition; projects consisting solely of purchase or installation of ordinary equipment, including but not limited to, lighting, traffic signals, signage, underground utilities, electronics, or HVAC; and projects to resurface, repaint, reroof or overlay existing streets, sidewalks, trails, cart paths, parking lots, buildings, or structures.

Repair, maintenance or refurbishment of any existing town structure at a cost of less than 33% of its assessed insurance valuation shall be deemed not to be a capital improvement project for the purposes of this resolution. Repair, maintenance or refurbishment of the same at a cost of greater than 33% of its assessed valuation may be considered a capital improvement project subject to this resolution at the discretion of the Board, only upon the Board's manifest

expression of intent to include it as such in the authorization of funds for such repair, maintenance or refurbishment.

In addition, any capital improvement project that might otherwise fall within the purview of this resolution may be removed from its scope by two-thirds vote of the Board of Trustees, on a case-by-case basis.

"Commission" means the Carbondale Public Arts Commission established by the Town Trustees pursuant to Resolution No. 2002 - 12.

"1% for the Arts Fund" means a separate account established by the Town to receive monies appropriated to the 1% for the Arts program.

"Structure" means anything that is built or constructed—an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. For the purposes of construing costs, "structure" shall also include outdoor public facilities consisting of one or more structures and their associated grounds, where such are part of a larger, outdoor space or park intended for public recreation, sports, or gatherings.

"Works of Art" means all forms of original creations of visual art, including but not limited to sculpture, painting, fountains, mosaics, graphic arts, printmaking, drawing, photography, ceramics, stained glass, fiber art, woodworking, metal work, and mixed media. Works of art may also include unique and artistic landscaping features or environmental installations when located within a park, and decorative or ornamental architectural embellishments not necessary to the basic design or structure of a building. For example, even otherwise ordinary street lighting equipment, benches, or playground equipment may themselves be "works of art" if designed and built in a unique manner or according to a custom design, so long as the same are approved as such by the Public Arts Commission.

3. Funding. All appropriations for applicable Town capital improvement projects shall include an amount equal to one percent (1%) of the amount of the bid awarded; *i.e., multiply by 0.01* the original bid award for the capital construction project. In determining the appropriate one percent figure, the costs of non-permanent furnishings, equipment, and real property acquisition will be excluded, but the cost of landscaping will be included. Once the amount of funding has been determined and calculated, it will not be modified by any subsequent changes orders, additions or deletions to the overall project cost unless such change shall be greater than 33%.

4. Uses of Funds. Funds appropriated for art shall be transferred to a "1% for the Arts Fund" established for this purpose. Money collected in this fund shall be used solely for selection, acquisition, purchase, commissioning, placement, installation, exhibition and display of works of art at the capital construction project from which the funds are derived – except that at the discretion of the Public Arts Commission, up to 15% of the monies generated from any one project may be placed in the 1% for the Arts Fund for use for the purchase of art at other future projects for good cause on a case-by-case basis. Any such excess or unexpended funds in the 1% for the Arts Fund shall carry forward in this account at the end of each fiscal year and may be allocated in conjunction with future

capital improvement projects without restriction and at the discretion of the Board, upon recommendation by the Commission.

The money used for arts purposes may be applied to, without limitation, the costs of structural elements of the project which qualify as Works of Art, the acquisition and installation of Works of Art on, about, or near the project site, and the cost of the services of artists involved in the design of the project or in the production of Works of Art related to the project.

Artwork may be temporary or permanent, and may be integral to the architecture itself or merely decorative and movable (e.g. paintings). For artwork that is not permanently installed as part of the structure, said artwork may be exchanged or traded among or between Town facilities without limitation so long as at least five years have passed since the project for which the artwork was originally purchased was completed.

Any costs and responsibilities associated with administration of this program shall be reflected in the budget of the Commission or other appropriate department of the Town, and any costs and responsibilities associated with maintenance and repair of the artwork shall be reflected within the budget of the department having possession of the work.

5. Responsibilities. Responsibility for administration of the 1% for the Arts Program shall rest with the Commission. The Commission shall establish and amend, with Town Trustee approval, criteria and guidelines governing the selection, acquisition, purchase, commissioning, placement, installation, and maintenance of works of art.

Prior to hiring an architectural team for any Capital Construction Project subject to this Resolution, the project manager or managers shall meet with the Commission for the purpose of determining how Public Art will be incorporated into the proposed project. Actual selection and placement of works of art shall be made by the Commission in conjunction with a representative of the Town Trustees, a representative of the lead architect for the project, and a representative for the Town department responsible for the specific capital improvement project.

Following placement or installation, maintenance and repair of the artwork shall be the responsibility of the department having possession of the work. Any proposed works of art requiring extraordinary operation or maintenance expenses shall receive prior approval of the department head responsible for such operation and maintenance.

In addition, the Commission will encourage the private sector to use the guidelines presented in this Resolution for the purchase and commission of works of art for public display and/or to incorporate artistic designs or concepts in the design of new private buildings and structures in the Town of Carbondale.

6. 1% for the Arts Fund. There is hereby established a "1% for the Arts Fund" into which shall be deposited funds appropriated pursuant to Section 3 of this resolution, together with any other funding appropriated by the Town Trustees, without restriction, for the purchase of works of art, and any grants or donations received from any other sources for this purpose. Funds shall be

approved for the expenditure in accordance with Town financial policies, departmental regulations, and criteria established pursuant of Sections 4 & 5 of this Resolution.

7. Other Works of Art. Nothing in this resolution shall be construed to preclude the selection, acquisition, purchase, commissioning, placement, or installation of works of art in public places other than those placed pursuant to this resolution.

INTRODUCED, READ, and APPROVED on this 11th day of October, 2005.

TOWN OF CARBONDALE

Michael Hassig, Mayor

ATTEST:

Marcia Walter, Town Clerk