

SPECIAL MEETING

AGENDA
SHAWNEE ARTS AND CULTURE COMMISSION
MAY 24, 2023 AT 11:30 AM
COMMISSION CHAMBERS AT CITY HALL
16 WEST 9TH STREET
SHAWNEE, OKLAHOMA

Official action can only be taken on items which appear on the agenda. The public body may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item. When more information is needed to act on an item, the public body may refer the matter to Staff or back to Committee or the recommending body. Under certain circumstances, items are deferred to a future date or stricken from the agenda entirely.

CALL TO ORDER

DECLARATION OF QUORUM

1. Consideration and Approval of the revised public art ordinance.
2. Consideration of the proposed SACC By-Laws and Standing Rules
3. Adjournment

Respectfully submitted,



Rachel Clyne, Secretary

The City of Shawnee encourages participation from its citizens in public meetings. If participation is not possible due to a disability, notify the City Clerk, in writing, at least forty-eight hours prior to the scheduled meeting, and necessary accommodations will be made. (ADA 28 CFR 36)

ORDINANCE NO. _____

AN ORDINANCE RELATING TO ARTS IN PUBLIC PLACES, AMENDING CHAPTER 22 OF THE SHAWNEE MUNICIPAL CODE BY CREATING A NEW ARTICLE IX OF CHAPTER 22, PROVIDING FOR THE ART IN PUBLIC PLACES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR EMERGENCY CLAUSE.

BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SHAWNEE:

SECTION 1. That Article IX of Chapter 22 of the Shawnee Municipal Code is hereby created to read as follows:

**CHAPTER 22
PLANNING AND DEVELOPMENT**

ARTICLE IX. ARTS IN PUBLIC PLACES

DIVISION 1. – PURPOSE

§22-740. The purpose of this chapter is:

(1) To create an Arts & Culture Commission to help promote art in public places throughout the City of Shawnee, Oklahoma, to assist in the selection of works of art for the City's collection, and to aid in the development of programs to enhance and maintain the collection.

(2) To provide a means to fund the acquisition, display, and maintenance of works of art by the City, and to integrate art when appropriate into City construction projects.

DIVISION 2. – ESTABLISHMENT OF ARTS & CULTURE COMMISSION

§22-741. Established; Composition. A Shawnee Arts & Culture Commission is established in the City. The Shawnee Arts & Culture Commission shall consist of seven (7) members, who shall be appointed by the Mayor with the approval of the City Commission. The Shawnee Arts & Culture Commission may have the following composition:

- (1) One member may represent a local arts and or cultural organization.
- (2) Two members may be professional artists, performers, and or architects or landscape architects.
- (3) Four members at large

§22-742. Qualifications; Compensation. All members shall have demonstrated previous support for arts or cultural affairs or have an interest in the arts and cultural history and traditions of the City and have knowledge of or demonstrated experience in the arts and cultural professions. All members of the Shawnee Arts & Culture Commission shall serve without compensation. No more than two at large members shall live outside of the city limits of Shawnee. Professional and organizational positions will not require citizenship due to expertise of their respective roles.

§22-743. Officers. In January of each calendar year, the Shawnee Arts & Culture Commission shall elect Executive officers consisting of a Chair and Vice Chair.

§22-744. Term of Office. The terms of all members of the Shawnee City Arts & Culture Commission shall be three years from the date of appointment or until their successor takes office. No member shall serve more than three consecutive terms. Members who have served three consecutive terms may be reappointed after having rotated off the Commission for at least one full year. Those serving on the Shawnee Arts & Cultural Commission at the time this ordinance is adopted shall continue serving out the remainder of their existing term, and shall proceed with any new term in accordance with the provisions of this ordinance.

§22-745. Vacancies. Members will be appointed to fill the remainder of vacant terms by the Mayor, with the consent and approval of the City Commission.

DIVISION 3. – POLICY FOR WORKS OF ART; BUDGETING OF PUBLIC FUNDS; SELECTION AND PLACEMENT; DEFINITIONS.

§22-746. Short title. The policy for budgeting of public funds for works of art and for the selection and placement of works of art shall be as follows:

§22-747. New Public Construction One percent of the total construction cost of the following project types shall be dedicated toward public art projects within the community:

- Any new public building or public park development
- Any major renovation of a public building

Such funding of revenues as provided for by Oklahoma law applicable to municipal corporations. Funds budgeted for works of art under this section may be used for

- A) Works of art incorporated into the project OR
- B) On an alternative property approved by the Shawnee Arts & Cultural Commission and City Commission. OR
- C) A fee in lieu of an actual project, with said funds available to be used by the City at a later date for public art projects.

The provisions of this section shall apply to any Trust of which the City is beneficiary, if said Trust has by Resolution approved one percent for art provisions. It is the policy of the City that all future special sales tax documents, and Tax Increment Financing documents shall include a provision for one percent for art.

All public art purchased by the one percent set aside shall first be approved by the Shawnee Arts & Culture Commission which shall make a recommendation regarding its acquisition to the Shawnee City Commission or beneficiary public trust, pursuant to the provisions of this ordinance.

The amount per project that must be dedicated to public art is 1%, with a total project limit of \$100,000; however, the Community Development Director shall have discretion to lower the required dollar amount on a case-by-case basis to allow the amount dedicated to fall beneath the required 1% or \$100,000 cap based on the unique circumstances of said project. Appeals of the Director's decision may be made to the Shawnee Arts & Cultural Commission, with recommendation to City Commission for final decision.

This article shall not apply to any municipal projects which are funded by promissory notes or bond proceeds or restricted funds; however, it is the City's policy to work toward the incorporation of public art in all projects if allowable by law and financing restrictions.

§22-748. Cost Share Program and Donations. The City, in cooperation with the Shawnee Arts & Cultural Commission, shall establish a cost sharing program for the purpose of increasing the number of public art projects within the community.

- A) Said program may receive requests from schools, civic groups, local organizations, businesses, or individuals.
- B) Said requests shall be, when approved by the city, be approved for no more than 50% of the project costs.
- C) Said projects, if on privately owned property, shall be visible from a public street. Otherwise, such projects shall be on public property.
- D) The city shall receive works of art upon approval of the Shawnee Arts & Cultural Commission and the City Commission. Works of art received in this manner shall remain property of the city unless prior arrangements for temporary display have been made.

§22-749. Accounting of Appropriated Arts Funds. Funds appropriated which are not restricted by law, pursuant to the provisions of this section shall be placed in a separate account to be established; and such funds shall be used exclusively for the art selection process, administration costs, artwork maintenance, and the purchase, transport, and installation of works of art. Art obtained as a result of funding that is restricted by law, shall be purchased within the time frame of the project-restricted proposition and funding shall be placed and spent in accordance with limitations of the restricted funding.

§22-750. Review by the Shawnee Arts & Culture Commission.

The Shawnee Arts and Culture Commission shall review the following art projects:

- a. All public artwork commissioned with funds set aside pursuant to the provisions of this section, shall be reviewed and a recommendation made by the Shawnee Arts & Culture Commission. Final approval for such public art purchases shall be given by the City Commission or public trust as applicable, pursuant to Subsection 22-746(2) of this chapter. The Shawnee Arts & Culture Commission may also suggest art for inclusion in any construction or renovation project described in this section. Further, as soon as the proposed art is in schematic and/or rendering form, the Arts Commission shall review said proposed art. The Shawnee Arts & Culture Commission shall make its recommendation within sixty (60) days of its receipt of the schematic and/or rendering form, to be forwarded to the City Commission or public trust for approval.
- b. All artwork visible from a public street, on public or private property, either as a project commissioned independently by a property owner or under the auspices of this ordinance.
- c. All projects reviewed by the Arts and Culture Commission shall be after an application that includes the following:
 - a. Artist proposal or scope of work
 - b. Proof of property owner consent
 - c. Site plan(s)
 - d. Landscape/hardscape plan(s)
 - e. Color photographs of proposed artwork location & surrounding area
 - f. Artwork elevation drawings/renderings
 - g. Description of proposed materials, colors and specifications
 - h. Structural engineering design & foundation plan
 - i. Building permit application (as applicable)
 - j. Statement that the project will either be privately maintained or dedicated to the City once accepted by the City of Shawnee.
 - k. Payment of the application fee as proposed and as amended by resolution adopted by the City Commission
- d. Failure to obtain approval via the provisions of this ordinance shall require either removal of the work of art until approval is obtained OR payment of four (4) times the application fee OR both.

§22-751. Definitions. For the purposes of this section, the following terms shall have the meanings indicated:

- a. Building means a structure designed and used in a manner for the public's benefit, including but not limited to convention centers, police and fire stations, utility stations, City facilities where the public is allowed to use for educational or training sessions, and City office facilities where City staff regularly interact with members of the public. Building may also refer to a commercial building that is utilized in various ways by the public.
- b. Total Construction Cost means the amount or cost of a public project before its design begins, and shall include land acquisition costs, testing and consultant fees.
- c. Major Renovation means;
Any change, addition or modification to an existing building that increases the square footage by a minimum of 20 percent or the renovation of an existing building in which a minimum of 25 percent of the interior square footage is the subject of renovation in a manner that invokes the provisions of the City of Shawnee Building Code and requires a permit.
- d. New means where no pre-existing building or park development existed before construction began.
- e. Works of Art shall be defined in the broadest manner as the work of an Artist, and shall include the following artistic expressions:
 1. The imaginative use and interplay of all artistic media and disciplines.
 2. Are accessible in a public space, meaning it must be visually and/or physically accessible to the public.
 3. It is original art that evokes an experience or emotion in the public realm;
 4. It can be of a variety of forms and takes into consideration the site, its location and context, and the audience—it is site specific;
 5. It may possess functional as well as aesthetic qualities;

6. It may be stand-alone or integrated into its site.

f. Artist shall be defined as an individual generally recognized by critics and peers as a professional practitioner of the visual arts as judged by the quality of the professional practitioner's body of work, educational background, experience, past public commissions, sale of works, exhibition record, publications, and production of Works of Art. Architects or Landscape Architects of Record on a particular project are disqualified from being considered for commissions of Works of Art on the same project. Disqualification also extends to other design professionals, consultants, and interior designers employed by or consulting with the design team on the same project.

g. Park development - any significant work on an existing park which enhances the function or use of substantial areas of an existing park. Park development shall also include trails meant for recreational purposes.

SECTION 2: REPEALER. All sections, subsections, clauses, and sentences of existing law in conflict with this ordinance are repealed.

SECTION 3: CODIFICATION. This Ordinance shall be codified in the Shawnee Municipal Code, and the codifier is authorized to set out the ordinance as appropriate.

SECTION 4: SEVERABILITY. The provisions of this Ordinance are severable and, if any sentence, provision, or other parts of this Ordinance shall be held invalid, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this ordinance.

SECTION 5: REPEAL OF ORDINANCE 2174NS. Ordinance 2174NS, which established the Shawnee Arts & Cultural Commission, is hereby repealed.

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PASSED AND APPROVED this __ day of _____, 2023.

ED BOLT, MAYOR

ATTEST:
(SEAL)

LISA LASYONE, CMC, CITY CLERK

Emergency clause separately passed and approved on this __ day of _____, 2023.

ED BOLT, MAYOR

ATTEST:
(SEAL)

LISA LASYONE, CMC, CITY CLERK

Approved as to form and legality this ____ day of _____, 2023.

JOSEPH M. VORNDRAN
CITY ATTORNEY



Shawnee Arts & Culture Commission (SACC)

By-Laws & Standing Rules

May 2023

Table of Contents

Introduction to the SACC	2
Functions	2
Encouraged Activities	2
Composition, Terms, and Compensation	3
Officers	3
Roles and Responsibilities	4
Public Meetings	5
SACC Process Overview	6
Funding	6
Privately Funded Artwork	6
Process for Approval from Commission	6

INTRODUCTION

By-laws and Standing Rules for the Shawnee Arts & Culture Commission

The City of Shawnee Arts & Culture Commission (SACC) is a seven-member standing committee of volunteer visual arts and business professionals, established by [Chapter 22, Article IX](#) of the Shawnee Municipal Code. Members are appointed by the Mayor with the approval of the City Commission for the purpose of advising the City Commission on matters relating to the implementation of [Chapter 22, Article IX](#), as amended from time to time.

The primary role of the SACC is to review and approve all art purchased, commissioned, or accepted as a gift by the City of Shawnee, Oklahoma. They review and make recommendations regarding the proposed placement of art located within public rights-of-way or on City-owned or leased property. The SACC implements City policy to provide a means to fund the City's acquisition, display, and maintenance of works of art and to integrate art, when appropriate, into City construction projects. SACC approval is also necessary before any art, subject to their approval, can be in any way altered or removed.

Functions

- To advise the City Commission concerning works of art to be placed on municipal property.
- Suggest art for inclusion in any construction or renovation project pursuant to the receipt of 1% for art funding as soon as the proposed art is in schematic either-or rendered form.
- To advise the City Commission concerning the promotion of coordination among units of government in their projects and programs involving the arts and cultural matters.
- To perform any other functions imposed by this article or otherwise specified by the City Commission.

Encouraged Activities

- To make regular assessments of the conditions and needs of the City concerning the arts.

- To make recommendations to the City Commission concerning grants from Federal and State agencies, private groups, and individuals, and when directed by the City Commission, oversee arts and cultural projects and programs.
- To increase public awareness of the value of our arts and cultural resources by developing and participating in public information programs.
- To advise and assist the City Commission in connection with such other arts and cultural matters as may be referred to it by the City Commission.
- To encourage increased arts and cultural involvement by departments of the City and to better utilize private arts and cultural agencies for services to citizens.
- Working with businesses and local organizations to create art-related events
- Liaising with local organizations to create art education programs.
- Identifying public properties that might be appropriate locations for public art.
- Identifying grant opportunities for public arts within the City.
- Assist in the creation of citywide art projects.
- Advising the City Commission on all matters affecting the culture of the City and advising and assisting other City boards and commissions in the field of fine arts
- Encouraging programs in the fine arts and promoting the cultural enrichment of the community
- Establishing an effective liaison between the City and local cultural and artistic groups

Composition, Terms, and Compensation

The membership includes two Members at Large, four members who are professional artists, performers, either-or architects/landscape architects, and one member from a local arts either-or cultural organization not specifically referenced. Only At Large members shall be required to be residents of the City of Shawnee due to the specificity of professional and organizational roles. Specifics regarding the terms of members are established in [Chapter 22, Article IX, Division 2](#) of the Shawnee Municipal Code.

All Commissioners of the SACC shall serve without compensation.

Officers

In January, every two calendar years, the SACC shall elect an Executive Committee consisting of a Chair, Vice-Chair, and Commission Advocate.

- The **Chair** has the key role in the SACC. The Chair ensures that the Commission functions properly, that there is full participation by Commissioners during meetings, that all relevant matters are discussed, and that decisions made are effective.
 - The Chair is responsible for working with the Commission Advocate to ensure each meeting is planned effectively and conducted in accordance with the enabling ordinance and Roberts Rules of Order and that Commission matters are dealt with in an orderly, efficient manner.
 - The Chair works with City staff to build and lead the team of Arts Commissioners and makes appointments to Ad Hoc Committees as needed.
 - The Chair works with the Commission Advocate to provide leadership support to the appointed Chairs to the various Arts Commission Committees as needed.
 - The Chair represents the Arts & Cultural Commission as its figurehead and may from time to time be called upon to represent the Commission as a spokesperson before the City Commission or in other forums, functions, and meetings, and serves as an advocate for Arts & Culture in the community.
- The **Vice-Chair** is a member of the SACC who can act for and assist the Chair in performing the Chair's duties during the Chair's absence.

Roles and Responsibilities for all Commission Members

- Attend training sessions and review materials provided by City Staff.
- Become familiar with their purview's ordinances, guidelines, regulation, criteria, etc.
- Thoroughly review staff memos, reports, applications, and support documentation prior to SACC meetings.
- Hear cases, ask relevant and necessary questions, and vote on cases heard.
- Make recommendations for approval or denial citing reasons or recommend continuing cases to a specific regularly scheduled meeting.

- Limit discussions and questions to relevant material.
- Make recommendations in compliance with the Commission's policies and the requirement and intent of the applicable ordinances.
- Request additional information from staff members as needed to inform their recommendations.
- Volunteer to serve as an Arts Commission voting member on 1% for Art Selection Committees.
- Serve on Ad Hoc Committees when requested to do so by the Chair.
- Attend regular meetings and SACC-sponsored events, including public art dedications, exhibition openings, lectures, tours of potential public art sites, project information meetings, and public hearings whenever possible.
- Serve as a committee member for SACC projects.

Public Meetings of the Shawnee Arts & Culture Commission

At each meeting of the SACC, held quarterly, on the final Wednesday of each month at 5 PM in the Commission Chambers of Shawnee City Hall. If necessary, Special Meetings may be called by the Chair, with appropriate public notice for such meetings. The special meetings are open to the public and shall be generally governed according to Roberts Rules of Order.

At each meeting, City staff shall provide to the Commission a written accounting of the current balance of the 1% fund, as well as any additions or subtractions to that fund since the previous meeting.

For SACC meetings, a quorum shall be defined as no fewer than four (4) voting members in attendance.

Any Commission member with a family or fiduciary relationship to the property, including owners of the property, artists, or vendors that may participate in the creation of the project, must excuse themselves from the project committee and vote for that project.

SACC PROCESS OVERVIEW

All public artwork commissioned with funds set aside pursuant to the provisions of

[Section 22, Article IX, Division 3](#) of the Municipal Code shall be reviewed and a recommendation made by the Shawnee Arts & Culture Commission. Final approval for such public art purchases shall be given by the City Commission or Public Trust, as applicable, pursuant to subsection [22-746](#), as amended from time to time.

Funding

The policy for budgeting public funds for works of art and for the selection and placement of works of art shall be in accordance with [Chapter 22, Article IX](#), as amended from time to time.

Privately Funded Artwork

To obtain permission from the City of Shawnee to place privately funded artwork on public property or public parks, the applicant must submit the pertinent application and supplemental information to the Community Development Department for review and approval by the SACC in a manner similar to what is outlined in the Shawnee Municipal Code for publicly funded art projects.

Process for Approval

The process for the review/approval of projects by SACC is in four (4) stages, with Commission members assisting City staff in each stage, as needed.

1. Project Development

- Help confirm project budget, and deadline, with the Community Development Department
- Create Project Committee for individual project, and draft Committee Meeting Schedule
- Designate member of SACC to oversee Project Committee
- Assist with selection committee orientation
- Help evaluate public art opportunities and constraints for this project.
- Assist with Defining job/role for artwork
- Help research similar public art projects
- Provide input with developing line-item budget
- Provide input on the overall project timeline

2. Announcement / Artist Selection

- Assist with Project Announcement / RFQ development
- Assist with Pre-proposal Conference/ Site visit
- Help promote the opportunity
- Assist with organizing submissions as needed
- Help the Project Committee to create Short List from Submissions
- Assist with Proposal Presentation to SACC as needed
- Assist with Final Selection as needed

- Assist with Contract Negotiation as needed

3. Contracting/ Oversight / Installation

- Member of Project Committee will act as liaison (as needed) with:
- Design team
- Project manager
- General contractor
- Fabrication/payments
- Permits/ Approval of installation plans
- Transport to site
- Installation
- Media coverage

4. Public Engagement / Education

Assist city staff with social media ideas throughout the process

- Art Markers
- Archival Audio/Video/Photographs
- Archiving on *Culture Now: Museum without Walls*, or *Google Maps*
- Addition of photographs onto City Inventory of Public Art

Assist with Public Lectures / Presentations

- Care and Maintenance of collections
- Regular Reporting/Opportunity Reposts

Throughout this process, members of the Arts & Cultural Commission will assist city staff with the development of any Request for Proposals, artist/consultant selection, and other items related to the artist selection process as deemed appropriate.