

## ORDINANCE NO. \_\_\_\_\_ - 2022

AN ORDINANCE REPEALING ARTICLE XVII OF CHAPTER 2 OF THE CODE OF ORDINANCES TO ABOLISH THE URBAN COUNTY ARTS REVIEW BOARD AND TRANSFERRING THE DUTIES AND POWERS OF THE URBAN COUNTY ARTS REVIEW BOARD TO THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT PUBLIC ARTS COMMISSION, AND RECOGNIZING THE COMPLETION OF THE PUBLIC ART MASTER PLAN, BY AMENDING SECTION 2-451 OF THE CODE OF ORDINANCES TO INCLUDE REVIEWING APPLICATIONS FOR PERMANENT VISUAL ARTWORK IN PUBLIC SPACES AS A PURPOSE OF THE COMMISSION; CREATING SECTION 2-451.1 OF THE CODE OF ORDINANCES TO INCLUDE DEFINITIONS FOR "ARTIST", "PERMANENT ARTWORK", AND "PUBLIC SPACES"; AMENDING SECTION 2-452 OF THE CODE OF ORDINANCES TO EXPAND THE MEMBERSHIP OF THE COMMISSION TO FIFTEEN MEMBERS TO INCLUDE A LICENSED CIVIL ENGINEER, A LANDSCAPE ARCHITECT, A LICENSED ARCHITECT OR DESIGN PROFESSIONAL, AND AN ARTIST WITH PUBLIC ART EXPERIENCE; AMENDING SECTION 2-454 OF THE CODE OF ORDINANCES TO INCLUDE OPEN MEETINGS ACT LANGUAGE AND PROVIDING THAT A STAFF PERSON WITHIN THE OFFICE OF THE MAYOR WILL STAFF THE COMMISSION; AMENDING SECTION 2-455 OF THE CODE OF ORDINANCES TO REQUIRE THE ADOPTION OF BYLAWS, TO GRANT AUTHORITY TO REVIEW APPLICATIONS FOR PERMANENT ARTWORK IN PUBLIC SPACES, TO PROMULGATE RULES AND REGULATIONS CONSISTENT WITH THE PUBLIC ART MASTER PLAN TO CREATE A SELECTION PROCESS AND SELECTION CRITERIA FOR THE APPROVAL OF ARTWORK FOR PUBLIC SPACES AND TO ESTABLISH THE PROCESS AND CRITERIA FOR MAKING RECOMMENDATIONS FOR THE ACQUISITION, FUNDING, AND PLACEMENT OF PUBLIC ART BY THE URBAN COUNTY GOVERNMENT; AND CREATING SECTION 2-255.1 OF THE CODE OF ORDINANCES TO SUBJECT URBAN COUNTY GOVERNMENT PUBLIC ARTS COMMISSION MEMBERS TO THE CODE OF ETHICS AS PROVIDED IN ARTICLE 16 OF THE URBAN COUNTY CHARTER.

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BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 2-451 of the Code of Ordinances be and hereby is amended to read as follows:

**Sec. 2-451. - Creation; purpose.**

- (a) A commission is hereby created which shall be known as the Lexington-Fayette Urban County Government Public Arts Commission, hereinafter referred to as the "commission".
- (b) The commission is established for the following purposes: ~~purpose of~~
  - (1) advising the mayor and the urban county council on the development of a long-range plan for selection, acquisition, funding, placement, maintenance, and conservation of public art, public art events, and public monuments by the urban county government, consistent with the Public Art Master Plan; and
  - (2) reviewing applications for installation of permanent visual artwork in public spaces from external sources, including but not limited to memorials, monuments and lighting projects, for its aesthetic opportunities with regard to its design and installation, and toward the conservation of permanent artwork.

Section 2 – That Section 2-451.1 of the Code of Ordinances be and hereby is created to read as follows:

**Sec. 2-451.1. - Definitions.**

- (a) Artist means a practitioner of the arts whose objective is to create original works of art and is generally recognized as accomplished by others in his or her field.
- (b) Permanent artwork means visual artwork including, but not limited to, a fresco, mosaic, sculpture, and other architectural embellishment of functional art created by a professional artist, artisan or craftsperson; and any work of visual art including, but not limited to, a drawing, painting, sculpture, mosaic, photograph, work of calligraphy or work of graphic art or mixed media. All such artwork that is designed to remain in place for one (1) year or longer is defined as permanent. All such permanent artwork described herein shall become the property of the Urban County Government upon placement.
- (c) Public spaces means any real property or improvements owned or leased by the Lexington-Fayette Urban County Government and open to the public including, but not limited to: courthouses, administrative office buildings, plazas, right-of-ways and parks.

Section 3 – That Section 2-452 of the Code of Ordinances be and hereby is amended to read as follows:

**Sec. 2-452. - Membership.**

- (a) The commission shall consist of ~~eleven (11)~~ fifteen (15) appointed members.
- (b) The appointed members shall be residents of Fayette County and shall have demonstrated an interest in the arts and the effect of same on communities and individual lives. They shall be appointed by the mayor, subject to confirmation by the urban county council, from the following:
  - (1) ~~One (1)~~ Two (2) architects or design professionals;
  - (2) ~~Two (2)~~ Three (3) professional artists, with at least one (1) possessing public art experience;
  - (3) Two (2) arts administration professionals;
  - (4) One (1) representative of the Lexington-Fayette County business community;
  - (5) One (1) representative of the Lexington-Fayette Urban County Government;
  - (6) One (1) representative from the community at large;
  - (7) One (1) representative from the Lexington Convention and Visitors Bureau;
  - (8) One (1) member of the Lexington-Fayette Urban County Council; ~~and,~~
  - (9) One (1) representative from the Office of the Urban County Mayor; ~~;~~
  - (10) One (1) licensed civil engineer; and
  - (11) One (1) landscape architect.

Section 4 – That Section 2-454 of the Code of Ordinances be and hereby is amended to read as follows:

**Sec. 2-454. - Officers; rules; quorum; meetings.**

- (a) The officers of the commission shall consist of a chair and a vice-chair, and other officers elected from the membership as set forth in the bylaws. They shall take office at the first meeting of the commission after their election. The duties of the officers shall be as specified in the bylaws. The commission shall determine its own rules and order of business and so provide for keeping a record of its proceedings.
- (b) A majority of the members of the commission, ~~that is six (6)~~, shall constitute a quorum for transaction of business at any meeting of the commission. The acts of a majority of those members present at any regular or special meeting of the commission shall constitute the acts of the commission.
- (c) The commission shall meet at a minimum on a quarterly basis at a date, place and time to be determined by the commission. All meetings shall be open to the public in a manner consistent with the Kentucky Open Meetings Act.
- (d) Special Meetings may be called by the chair of the commission or when a majority of the members of the commission requests a special meeting. At least twenty-four (24) hours notice of any special meeting shall be given. All special meetings shall be open meetings held and noticed in compliance with the Kentucky Open Meetings Act.
- (e) The day-to-day responsibilities of running the business of the commission will be undertaken by a staff person in the office of the mayor.

Section 5 – That Section 2-455 of the Code of Ordinances be and hereby is amended to read as follows:

**Sec. 2-455. - Duties.**

The commission shall, as permitted by law:

- (1) Adopt bylaws which are not inconsistent with this article;
- (2) ~~Recommend to the mayor and the urban county council a long range plan and guidelines, which shall include, but not be limited to, a method or methods for the selection of artists or works of art and for placement of works of art, and an over-arching philosophy regarding types of artwork appropriate for this community,~~
- (2) Make recommendations to the mayor and the urban county council on the development, selection, acquisition, funding, placement, maintenance and conservation of public art and public art events by the urban county government, consistent with the Public Art Master Plan, including the use of the Percent for Art Fund.
- (3) Review applications and proposals for permanent artwork in public spaces pursuant to criteria identified herein;
- (4) Advise the department of general services, division of risk management, other appropriate urban county government divisions, and the councilmember in whose district artwork is proposed to be placed at the time a proposal is received. Further, any work of art requiring extraordinary operation or maintenance expenses shall receive approval prior to placement and installation from the commissioner of the department of general services;
- (5) Promulgate rules and regulations consistent with the Public Art Master Plan and this ordinance that are approved by the Urban County Council, including,

but not limited to, 1) a selection process and selection criteria for the approval of artwork for public spaces from applications by external sources, and 2) the process and criteria for making recommendations for the acquisition, funding, and placement of public art by the urban county government from the commission, to facilitate the implementation of its responsibilities hereunder.

- (6) Ensure that the interaction of the artwork and the function of the public space will be compatible;
- (7) Recommend purchase of works of art or commission of the design;:
- (8) Make recommendations regarding the design, execution and/or placement of works of art; and
- (9) Provide information and make recommendations on operation or maintenance expenses associated with particular art or a particular location and the interaction of art work with the function of its location, and provide for such artwork and installation that will not impede such function;:
- ~~(5) Promulgate rules and regulations consistent with sections 2-451 through 2-455 to facilitate the implementation of its responsibilities hereunder.~~

Section 6 – That Section 2-455.1 of the Code of Ordinances be and hereby is created to read as follows:

**Sec. 2-455.1. - Code of Ethics.**

All members of the commission shall be subject to the Code of Ethics contained in Article 16 of the Urban County Charter, and agree to comply with all safety and loss policies of the Urban County Government.

Section 7 – That Article XVII of Chapter 2 of the Code of Ordinances related to the Urban County Arts Review Board is hereby repealed.

Section 8 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

\_\_\_\_\_  
MAYOR

ATTEST:

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CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

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